

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

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

1. Before and After Care programming including curriculum, staff, program design and full implementation for the 2010-11 school year and approximately 500 students.

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

Contact person:

Michelle Sinkgraven  
202 589.0202 Ext. 118

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

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

1. Professional Human Resources consulting services, particularly in the area of compliance and employee relations. Commitment of approximately 10 hours/week over a 6-month period with an option to extend.

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

Contact person:

Brenna Copeland  
202 589.0202 Ext. 103

## DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF PUBLIC INTEREST

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>
February 17, 2010	1381 H Street, NE	835	1027	2-story semi-detached office

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.

**E.L. HAYNES PUBLIC CHARTER SCHOOL****REQUESTS FOR PROPOSALS****For Industrial Hygienist Services**

E.L. Haynes Public Charter School invites all interested and qualified industrial hygienist to submit proposals to provide hazardous material abatement monitoring services including site visits with logs, testing with reports, and a final letter confirming visible cleanliness and proven clearance. Proposals are due no later than 5:00 PM March 8, 2010. The RFP with bidding requirements can be obtained by contacting:

Patrice Griffin

E.L. Haynes Public Charter School

Phone: 202.460-8918

Email: [pgriffin@elhaynes.org](mailto:pgriffin@elhaynes.org)

**E.L. HAYNES PUBLIC CHARTER SCHOOL****REQUESTS FOR PROPOSALS****For Third Party Inspection Services**

E.L. Haynes Public Charter School invites all interested and qualified third party inspectors to submit proposals to provide third party inspection services as outlined by the "GOVERNMENT OF THE DISTRICT OF COLUMBIA, DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS, BUILDING AND LAND REGULATION ADMINISTRATION, THIRD PARTY INSPECTION PROGRAM, October 2002, PROCEDURE MANUAL." Proposals are due no later than 5:00 PM March 8, 2010. The RFP with bidding requirements can be obtained by contacting:

Patrice Griffin

E.L. Haynes Public Charter School

Phone: 202.460-8918

Email: [pgriffin@elhaynes.org](mailto:pgriffin@elhaynes.org)

**E.L. HAYNES PUBLIC CHARTER SCHOOL****REQUESTS FOR PROPOSALS****For Voice and Data Cabling, Maintenance, and Equipment**

E.L. Haynes Public Charter School invites all interested and qualified voice and data installation and service providers to submit proposals to provide network and telephone cabling, equipment, and maintenance services. Proposals are due no later than 5:00 PM March 15, 2010. The RFP with bidding requirements can be obtained by contacting:

Patrice Griffin

E.L. Haynes Public Charter School

Phone: 202.460-8918

Email: [pgriffin@elhaynes.org](mailto:pgriffin@elhaynes.org)

**EDUCATION STRENGTHEN FAMILIES PUBLIC CHARTER SCHOOL****NOTICE OF REQUEST FOR PROPOSALS**

Education Strengthen Families Public Charter School, Inc. (“ESF”) in compliance with Section 2204(c) of the District of Columbia School Reform Act of 1995 (“Act”) hereby solicits expressions of interest in the form of proposals with references from qualified vendors for

Child Development Associate training services for a professional preparation program (valued as equal to 3 university credits) for the Child Development Associate Credential (CDA).

**RFP available by e-mailing to [info@evenstartdc.org](mailto:info@evenstartdc.org) with the subject line “CDA Training RFP.”**

Proposals should be sent to the attention of

Christie McKay, Executive Director  
ESF Public Charter School  
2333 Ontario Road, NW  
Washington, DC 20009

Or emailed to [info@evenstartdc.org](mailto:info@evenstartdc.org).

Deadline for submission is Friday, March 26, 2010

Appointments for presentations can be arranged by calling the school office at 202-797-7337.

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS AND ETHICS**

**Certification of Filling Vacancies**  
In Advisory Neighborhood Commissions

Pursuant to D.C. Official Code §1-309.06(d)(6)(G) and the resolution transmitted to the District of Columbia Board of Elections and Ethics “Board” from the affected Advisory Neighborhood Commission, the Board hereby certifies that the vacancy has been filled in the following single-member district by the individual listed below:

Thalia Wiggins  
Single-Member District 5B06

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS AND ETHICS**

**Certification of Filling Vacancies**  
In Advisory Neighborhood Commissions

Pursuant to D.C. Official Code §1-309.06(d)(6)(G) and the resolution transmitted to the District of Columbia Board of Elections and Ethics "Board" from the affected Advisory Neighborhood Commission, the Board hereby certifies that the vacancy has been filled in the following single-member district by the individual listed below:

Terres (Drew) Ronneberg  
Single-Member District 6A02

**DISTRICT OF COLUMBIA  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
RENTAL HOUSING COMMISSION**

**CERTIFICATION AND NOTICE OF RENT ADJUSTMENT OF GENERAL  
APPLICABILITY**

**EFFECTIVE MAY 1, 2010**

1. Pursuant to Section 206(b) of the Rental Housing Act of 1985, D.C. Law 6-10, the Rental Housing Commission shall determine an adjustment of general applicability in the rent of the rental units established by Section 206(a), which shall be equal to the change during the previous calendar year in the Washington, D.C. Standard Metropolitan Statistical Area (SMSA)<sup>1</sup> Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for All Items.
2. Pursuant to Section 206(b) of the Rental Housing Act of 1985, the Commission determined that the Washington-Baltimore (SMSA) CPI-W for All Items increased by 0.05% during the previous calendar year.
3. Accordingly, the Rental Housing Commission determined that the change during calendar year 2009, in the Washington-Baltimore SMSA CPI-W for All Items was 0.05%.
4. Pursuant to the requirements of Section 202(a)(3) of the Rental Housing Act of 1985, D.C. Law 6-10, the Rental Housing Commission hereby certifies and gives notice that the rent adjustment of general applicability to become effective on May 1, 2010, shall not exceed 0.05% of the rent in effect on April 30, 2010.

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1. The Rental Housing Commission and the Rent Administrator are mandated by the Rental Housing Act of 1985 (Act), D.C. OFFICIAL CODE § 42-3501.01-3509.07 (2001), to annually calculate and publish in the D.C. Register the percentage change in the Washington, D.C., Standard Metropolitan Statistical Area Consumer Price Index for All Items. D.C. OFFICIAL CODE §§ 42-3502.02(a)(3), 3502.04(k), 3502.06(b) (2001).

The Act does not comply with two changes in the publication by the Department of Labor (DOL), Bureau of Labor Statistics (BLS), which publishes the CPI-W statistics and determines what areas will be in the Standard Metropolitan Statistical Area. First, DOL/BLS enlarged the geographical areas included with Washington, D.C., in the local Standard Metropolitan Statistical Area and second, the name of the DOL/BLS statistical document was changed. Originally, the Standard Metropolitan Statistical Area included only three jurisdictions, which were Washington, D.C., Maryland, and Virginia. The statistical document issued by DOL/BLS, and used by both the Rent Administrator and the Rental Housing Commission was named "Consumer Price Index, Urban Wage Earners and Clerical Workers – (CPI-W), Washington, DC-MD-VA, All Items." That publication was discontinued, and now the DOL/BLS publication is the "Consumer Price Index, Urban Wage Earners and Clerical Workers-(CPI-W), Washington-Baltimore, DC-MD-VA-WV, All Items." The difference is the inclusion of the state of West Virginia and the city of Baltimore, Maryland into the Standard Metropolitan Statistical Area with Washington, D.C.

**THE RENTAL HOUSING COMMISSION 2010 RESOLUTION****for****THE CHANGE IN THE CONSUMER PRICE INDEX, URBAN WAGE EARNERS  
AND CLERICAL WORKERS – (CPI-W), WASHINGTON-BALTIMORE,  
DC-MD-VA-WV, ALL ITEMS**

It is hereby resolved by the Rental Housing Commission this 14<sup>th</sup> day of January, 2010

1. Whereas, effective January 1998, the United States Department of Labor eliminated the “Washington, D.C. Standard Metropolitan Statistical Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for All Items,” which was published bimonthly in odd numbered months ending with November each year, and initiated the “Consumer Price Index, Urban Wage Earners and Clerical Workers – (CPI-W), Washington-Baltimore, DC-MD-VA-WV, All Items,” which includes the city of Washington, D.C., and the states of Maryland, Virginia, and West Virginia, hereinafter referred to as Washington-Baltimore, that is published bimonthly in odd numbered months ending in November each year;
2. Whereas, pursuant to Section 206(b) of the Rental Housing Act of 1985, D.C. Law 6-10, the Rental Housing Commission is mandated to determine the change, during the twelve months of calendar year 2008 in the Washington-Baltimore Standard Metropolitan Statistical Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for All Items;
3. Whereas, pursuant to the requirements of Section 206(b) of the Rental Housing Act of 1985, D.C. Law 6-10, the Rental Housing Commission used the reported CPI-W for calendar year 2009 in the Washington-Baltimore Standard Metropolitan Statistical Area (SMSA) Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for All Items;
4. Be it resolved that the Commission determined the 2009 change in the CPI-W for the Washington-Baltimore SMSA was 0.05%.
5. Pursuant to the requirements of Section 202(a)(3) of the Rental Housing Act of 1985, D.C. Law 6-10:<sup>2</sup>
  - (a) The Rental Housing Commission hereby certifies that the rent adjustment of general applicability, to become effective on May 1, 2010 shall not exceed 0.05% of the rents in effect on April 30, 2010; and

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<sup>2</sup> As amended by D.C. Law 16-145, the “Rent Control Reform Amendment Act of 2006.” See 53 D.C. Register 6688 (Aug. 18, 2006)

- (b) The Rental Housing Commission adopts the Certification and Notice of Rent Adjustment of General Applicability, effective May 1, 2010, in the form annexed hereto and directs its transmittal to the District of Columbia Office of Documents for publication in the District of Columbia Register.

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RONALD A. YOUNG, CHAIRPERSON

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DONATA L. EDWARDS, COMMISSIONER

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PETER B. SZEGEDY-MASZAK, COMMISSIONER

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

**NEIGHBORHOOD INVESTMENT FUND (NIF)**

**NIF Predevelopment Grant and Project Grant Fund**

The District's Office of the Deputy Mayor for Planning and Economic Development (ODMPED) invites the submission of applications for the NIF Predevelopment Grant and Project Grant Fund authorized under The Neighborhood Investment Fund Implementation Plan Congressional Review Emergency Amendment Act of 2009, enacted January 4, 2010 (D.C. Act 18-260; 57 DCR 339). There is \$5,220,000.00 million available for this round of funding; Grants up to a maximum of \$145,000. The application process will be managed by a fund manager; The Local Initiatives Support Corporation.

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

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

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

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

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

The Request for Applications (RFA) will be released on Monday, March 1, 2010. The application deadline is May 3, 2010 at 5:00 PM. Application submission and approval is not a guarantee of funding. Applicants are encouraged to provide applications before the deadline. ODMPED reserves the right to suspend or terminate the application process at anytime.

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

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

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE**FORMAL CASE NO. 1009, IN THE MATTER OF THE INVESTIGATION INTO AFFILIATED ACTIVITIES, PROMOTIONAL PRACTICES, AND CODE OF CONDUCT OF REGULATED GAS AND ELECTRIC COMPANIES**

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice of its action taken in Order No. 15698, issued on February 23, 2010, extending the deadline for filing initial and reply comments in this matter until March 1, 2010 and March 15, 2010, respectively.<sup>1</sup>

2. The Commission issued a Notice of Proposed Rulemaking (“NOPR”), pursuant to D.C. Code § 2-505 (2001), of its intent to adopt Chapter 39, “Affiliate Transactions Code of Conduct,” of Title 15, District of Columbia Municipal Regulations (“DCMR”) that was published in the *D.C. Register* on January 22, 2010.<sup>2</sup> The proposed regulations develop a Code of Conduct for each regulated gas and electric company and their non-regulated affiliates. Pursuant to the NOPR, comments on the proposed regulations were due to be filed within thirty (30) days and reply comments within forty-five (45) days of publication, February 22, 2010 and March 8, 2010, respectively.<sup>3</sup>

3. On February 16, 2010, OPC filed a motion requesting an extension of time until March 1, 2010 to file initial comments and until March 15, 2010 to file reply comments to the NOPR due to recent inclement weather which disrupted OPC’s ability to timely draft comments.<sup>4</sup> We also note that, in a letter to the Commission dated February 17, 2010, Washington Gas Light Company (“WGL”) requested the Commission to extend the filing dates for all interested parties.<sup>5</sup>

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<sup>1</sup> *Formal Case No. 1009, In the Matter of the Investigation into Affiliated Activities, Promotional Practices, and Code of Conduct of Regulated Gas and Electric Companies* (“*Formal Case No. 1009*”), Order No.15698 (February 23, 2010).

<sup>2</sup> 57 D.C. Reg. 989-997 (2010).

<sup>3</sup> *Id.* at 997.

<sup>4</sup> *Formal Case No. 1009*, Motion of the Office of the People’s Counsel for an Extension of Time to File Comments, filed February 16, 2010 (“OPC’s Motion”).

<sup>5</sup> *Formal Case No. 1009*, Washington Gas Light Company Letter to Dorothy Wideman, Commission Secretary, filed February 17, 2010 (“Letter”).

4. After considering OPC's Motion and WGL's Letter, the Commission determined that the severe weather conditions in the Washington D.C. area the past several weeks warrant the requested extension of time for all interested parties to file comments and reply comments. In the event that any party files initial or reply comments before the publication of this notice, that party may either supplement those comments or withdraw and resubmit them by the new deadline.

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

Notice is hereby given that the following named persons have been reappointed as Notaries Public in and for the District of Columbia, effective on or after February 15, 2010.

Comments on these appointments should be submitted, in writing, to Naomi Shelton, Chief of Staff, Office of the Secretary of the District of Columbia, 1350 Pennsylvania Avenue, Suite 419, Washington, D.C. 20004 within seven (7) days of the publication of this notice in the *D.C. Register* on February 5, 2010. 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: February 15, 2010  
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Bynum	Catherine A.	Paul Hastings Janofsky & Walker, LLP 875 15th Street, NW	20005
Christian	LaShoun	Schiff Hardin LLP 1666 K Street, NW, Suite 300	20006
Cox	Harold C.	Self 6317 8th Street, NW	20011
Dunmore	Marisa	Office of Tax & Revenue 941 North Capitol Street, NE	20002
Frazier	Endrea	Legion Design 4301 Connecticut Avenue, NW, Suite 240	20008
McCleave	Kevin R.	The George Washington University Law School 716 20th Street, NW, Suite 302	20052
Nute	Maureen A.	Coldwell Banker Residential Brokerage 3000 K Street, NW, Suite 101	20007
Phillips	Tracy	Self 3601 Texas Avenue, SE	20020
Quinn	Ellen	Cooperative Development Foundation 1401 New York Avenue, NW, Suite 1100	20005
Richardson	Dwight	Department of Veterans Affairs, Office of Inspector General 801 I Street, NW, Suite 1100	20536
Shannon	Lola M.	Regional Title Corporation 1620 L Street, NW, Suite 1200	20036
Williams	Tier Therese	Defense Intelligence Agency 200 MacDill Boulevard, NW	20340

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

Notice is hereby given that the following named persons have been reappointed as Notaries Public in and for the District of Columbia, effective on or after March 1, 2010.

Comments on these appointments should be submitted, in writing, to Naomi Shelton, Chief of Staff, Office of the Secretary of the District of Columbia, 1350 Pennsylvania Avenue, Suite 419, Washington, D.C. 20004 within seven (7) days of the publication of this notice in the *D.C. Register* on February 5, 2010. 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: March 1, 2010  
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Acheampong	Frank	Fannie Mae Corporation 3900 Wisconsin Avenue, NW	20016
Adriano	Alma Ganguangco	Boys & Girls Clubs of Greater Washington 4103 Benning Road, NE	20019
Aefsky	Brandon M.	Edmund J. Flynn Company 5100 Wisconsin Avenue, NW, Suite 514	20036
Badoux	Isabelle A.	Washington International School 3100 Macomb Street, NW	20008
Basnayake	Pushpa S.	PNC Bank, NA 1919 Pennsylvania Avenue, NW	20006
Beckwith	Marilyn M.	State Farm Insurance 236 Massachusetts Avenue, NE, Suite 100	20002
Bellayr	Lynn L.	Sonnenschein Nath & Rosenthal LLP 1301 K Street, NW, Suite 600, East Tower	20005
Bennis	Jean	American Farm Bureau Federation 600 Maryland Avenue, SW, Suite 1000	20024
Boyd	Scott C.	Ginsberg & Helfer, PLLC 1250 Connecticut Avenue, NW, Suite 525	20036
Bui	Nina M.	Wachovia Bank, NA 2901 M Street, NW	20007
Chaffin	Stacey L.	Ober Kaler Grimes & Shriver 1401 H Street, NW, Suite 500	20005
Chandler	Deborah	Self 3900 16th Street, NW	20011
Chaves	Celia C.	Westerman Hattori Daniels & Adrian, LLP 1250 Connecticut Avenue, NW, Suite 700	20036
Cherisca	Anoucheka C.	Baker Botts, LLP 1299 Pennsylvania Avenue, NW, Suite	20004

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

**Effective: March 1, 2010  
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Cherubini	Donald F.	Hyatt Regency Washington 400 New Jersey Avenue, NW	20001
Cioffi	Nicholas C.	Self 1343 South Carolina Avenue, SE	20003
Clanagan	Dorothy L.	PNC Bank 650 Pennsylvania Avenue, SE	20003
Clapp	Clifford	Answer Title & Escrow 10 G Street, NE, Suite 510	20002
Cottom	Patricia	Self (Dual) 3527 Jay Street, NE, #102	20019
Dawkins-Turner	Angela	PNC Bank 800 Connecticut Avenue, NW	20006
Duvall	Deborah H.	US Department of Justice, Criminal Division 1301 New York Avenue, NW, Suite 700	20005
Fall	Virginia	HSM Realty, Incorporated 1101 30th Street, NW, Suite 500	20007
Feldman	Peter	Self 1916 R Street, NW, #206	20009
Flores	Jerome	Wachovia Bank 1447 P Street, NW	20005
Gaujean	Martine- Pascale	Promontory Financial Group, LLC  1201 Pennsylvania Avenue, NW Suite 617	20004
Gawel	Veronika	Bailey Law Group 1615 L Street, NW, Suite 1350	20036
Gillett	Micah James	Heritage Reporting Corporation 1220 L Street, NW, Suite 600	20005
Gonzalez	Rosario Diaz	US House of Representatives	

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

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		B227 Longworth House Office Building	20515
Gregg	Alita T.	US Environmental Protection Agency 1200 Pennsylvania Avenue, NW, Suite 5351	20460
Grimes	Stephanie L.	The Martin Pollak Project 4406 Georgia Avenue, NW, 2nd Floor	20011
Hall	Brenda J.	United House of Prayer 1117 7th Street, NW	20001
Hardin	Aleesha D.	Executive Office of the President/Office of Administration 725 17th Street, NW	20503
Henderson	Okeemah S.	Gregory Edwards, LLC 1120 Connecticut Avenue, NW	20036
Hodges	Michele Lynn	US Small Business Administration 409 3rd Street, SW	20416
Hopkins	Margaret Totten	Public Company Accounting Oversight Board (PCAOB)  1666 K Street, NW, Suite 800	20006
Howard	Valerie	Self 2630 Firth Sterling Avenue, SE	20020
Jennings	Melissa R.	Department of Homeland Security/FEMA 800 K Street, NW 9TH Floor, Room 9520	20001
Jones	Michael Cledwyn	Tyco International  607 14th Street, NW, Suite 550	20005
Jones Yancey	Conchita	Fannie Mae 3900 Wisconsin Avenue, NW	20016
Krause	Susan R.	The George Washington University Law School 2000 H Street, NW	20052
Lindo	Andrea L.	Agriculture Federal Credit Union	

D.C. Office of the Secretary  
Appointments of Notaries PublicEffective: March 1, 2010  
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		1400 Independence Avenue, SW, USDA Room SM-2	20250
Machado	Aaron L.	Capitol Concierge 1400 Eye Street, NW, Suite 400	20005
McCleave	Krista A.	Patton Boggs LLP 2550 M Street, NW	20037
Moglica	Sandra A.	Self 616 E Street, NW, #1146	20004
Morgan	William A.	Morgan Wingate & Company, PC 4910 Massachusetts Avenue, NW, Suite 110	20016
Needles	Danielle M.	Enterprise Settlement Services 2164 Wisconsin Avenue, NW, 2nd Floor	20007
Norris	Consuella	PNC Bank 301 7th Street, NW	20004
Owendoff	Marilyn	Hogan & Hartson LLP 555 13th Street, NW	20004
Perkins	Loveleen R.	Land Trust Alliance 1660 L Street, NW, Suite 1100	20036
Potts, M.D.	Charles E.	Charles E. Potts, M.D. 3104 Georgia Avenue, NW	20010
Pridgen	Jacqueline	US Department of State 2201 C Street, NW	20520
Robinson	Krystal	Neighborhood Development Company, LLC 4110 Kansas Avenue, NW	20011
Rosinski	Daniel Evan	Paul, Weiss, Rifkind, Wharton & Garrison LLP 2001 K Street, NW	20006
Rosnick	Janice M.	Hogan & Hartson LLP 555 13th Street, NW	20004

**D.C. Office of the Secretary  
Appointments of Notaries Public****Effective: March 1, 2010****Page 6**

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Senarathna	Dimuthu D.	Bank Of Georgetown 1054 31st Street, NW, Suite 18	20007
Stone	Benjamin	Wachovia Bank 1301 Pennsylvania Avenue, NW	20004
Sullivan	Maureen	United States Institute of Peace 1200 17th Street, NW, Suite 200	20036
Swammy	Betty F.	Self (Dual) 5054 12th Street, NE	20017
Swanson, Sr.	Jerry D.	Brookland Manor Apartments 2500 14th Street, NE, Suite 1	20018
Talhame	Amal A.	Maggio & Kattar 11 Dupont Circle, NW, Suite 775	20036
Taylor	Dr. Robert S.	Hadley Hospital And Skilled Nursing Facility 4601 Martin Luther King Jr. Avenue, SW	20032
Wetzel	Heather R.	Radio Free Europe/ Radio Liberty 1201 Connecticut Avenue, NW	20036
Yilma	Mekdese	Capitol Concierge 1400 Eye Street, NW, Suite 400	20005
Young	Annette	Action Recording Services 300 62nd Street, NE, #104	20019
Young	Ricardo A.	PNC Bank, NA 4835 Massachusetts Avenue, NW	20016

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

**Application No. 17949 of Mohammad Sikder**, pursuant to 11 DCMR § 3103.2, for variances from the minimum lot frontage requirement under § 401.6, the minimum rear yard requirement under § 404, and minimum side yard requirements under §§ 405.3 and 405.9 to construct a one-family semi-detached dwelling in the R-2 district at premises 410 57th Street, NE (Square 5229, Lot 800).<sup>1</sup>

**HEARING DATE:** July 21, 2009  
**DECISION DATE:** September 15, 2009

**DECISION AND ORDER**

This self-certified application was submitted March 25, 2009 by Mohammad Sikder (“Applicant”), the owner of the property that is the subject of the application. As amended, the application requested area variances from the minimum lot frontage requirement under § 401.6, the minimum rear yard requirement under § 404, and the minimum side yard requirements under §§ 405.3 and 405.9 to construct a one-family semi-detached dwelling in the R-2 district at 410 57<sup>th</sup> Street, NE (Square 5229, Lot 800). Following a public hearing, the Board voted 4-0-1 on September 15, 2009 to grant the application.

**PRELIMINARY MATTERS**

Notice of Application and Notice of Public Hearing. By memoranda dated March 30, 2009, the Office of Zoning sent notice of the application to the Office of Planning (“OP”); the District Department of Transportation (“DDOT”); the Councilmember for Ward 7; Advisory Neighborhood Commission (“ANC”) 7C, the ANC for the area within which the subject property is located; and the Single Member District ANC 7C05.

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<sup>1</sup> The advertisement in this case reflected the Applicant’s original request solely for a variance from the lot width requirements under § 401. At the public hearing, the Applicant was permitted to amend the application to seek area variance relief from provisions pertaining to lot frontage, rear yard, and side yard needed to allow construction of the planned semi-detached dwelling. The Board agreed with the Office of Planning that relief from lot width requirements under § 401 was not needed because the subject property satisfied the minimum width requirement of 30 feet for a semi-detached dwelling when measured perpendicular to the side lot lines, consistent with the definition of lot width set forth in § 199 of the Zoning Regulations.

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441 4<sup>th</sup> Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: [dcoz@dc.gov](mailto:dcoz@dc.gov)

Web Site: [www.dcoz.dc.gov](http://www.dcoz.dc.gov)

**BZA APPLICATION NO. 17949**

**PAGE NO. 2**

A public hearing was scheduled for July 21, 2009. Pursuant to 11 DCMR § 3113.13, the Office of Zoning on May 4, 2009 mailed notice of the hearing to the Applicant, the owners of property within 200 feet of the subject property, and ANC 7C. Notice was published in the D.C. Register on May 8, 2009 (56 DCR 3664).

Requests for Party Status. In addition to the Applicant, ANC 7C was automatically a party in this proceeding. There were no additional requests for party status.

Applicant's Case. The Applicant requested area variances needed to allow construction of a one-family semi-detached dwelling on the subject property. The Applicant asserted that the application satisfied the requirements set forth in the Zoning Regulations, noting that the property was nonconforming and could not be improved without variance relief.

Government Reports. By report dated July 14, 2009 and through testimony at the public hearing, the Office of Planning recommended approval of the variance relief necessary to allow construction of the Applicant's proposed dwelling; that is, area variances from § 401.6, pertaining to minimum lot frontage; from § 404, relating to the rear yard; from § 405.3, which requires a side yard on each freestanding side of a one-family dwelling that does not share a common division wall with another building; and from § 405.9, concerning the minimum width of side yards.

By supplemental report dated August 31, 2009, OP reiterated its recommendation of approval of the requested variances, and provided additional information about the alley system in the vicinity of the subject property. OP provided an illustration showing the portions of the public alley system that had been paved or had never been constructed, as well as "which portions are true public alleys rather than informal cartways established over the years by repeated use." The subject property was depicted as an informal cartway. OP noted that once the Applicant's planned dwelling was constructed and the site was no longer available for use as an informal cartway, the neighboring properties would continue to have alley access through the paved alley to the north. Based on its discussions with DDOT, OP indicated that property owners could ask to have unpaved alleys placed on the District's paving schedule.

ANC Report. By letter dated July 17, 2009, ANC 7C indicated that the ANC had considered the application at a public meeting held July 11, 2009 with a quorum present. At the conclusion of the meeting, ANC 7C approved a motion recommending against approval of the requested variance relief because the Applicant had been unable to adequately address concerns raised at the meeting by residents of 57<sup>th</sup> Street. The concerns related to the large amount of space needed to build the planned home; the possibility that the house would be rented out, and thus likely to become part of a voucher program and the source of problems on the street; the proposed design of the house, which would "not fit with the design and look of the current homes" in the vicinity; and the Applicant's failure to "request the opinion and input of residents on the design of the dwellings prior to designing the dwellings on paper to ensure their concerns can be addressed or a compromise can be reached." In a subsequent letter, dated August 27, 2009, ANC 7C reiterated its recommendation against approval of the requested variance relief, because of the

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large amount of space needed to build the planned home and because the proposed design of the house would “not fit with the design and look of the current homes” on 57<sup>th</sup> Street, NE

Person in opposition. Caroline Bradley, a resident of the 400 block of 57<sup>th</sup> Street, NE, testified in opposition to the application, stating that construction of a house on the subject property would diminish air quality in the neighborhood, disturb parkland, and block access to the rear alley, thereby impeding trash collection and emergency vehicles.

**FINDINGS OF FACT****The Subject Property and Surrounding Area**

1. The subject property is an irregularly shaped, five-sided parcel located on the west side of 57<sup>th</sup> Street, NE between Dix and Eads Streets (Square 5229, Lot 800). The lot is unimproved.
2. The subject property was created as a tax lot more than 100 years ago as part of a railroad right of way, and is nonconforming with respect to lot frontage. The site, which is at an angle to the other lots in the square, has frontage of only eight feet, seven inches along 57<sup>th</sup> Street because of the generally triangular shape of its eastern portion. A minimum of 14 feet of street frontage is required in the R-2 zone. *See* 11 DCMR § 401.6.
3. The subject property is 30 feet wide as measured perpendicular to the side lot lines, which extend 151 feet on the north and almost 88 feet on the south. The lot area is 3,897 square feet.
4. A 20-foot wide public alley abuts the property at the rear. The plat obtained by the Applicant from the Office of the Surveyor depicts another public alley, ranging in width from 12 to 20 feet, as abutting the subject property along its southern property line. The latter alley has not been constructed, except for a curb cut located just south of the subject property. Given the overgrown, wooded nature of the area abutting the subject property to the south and the existence of the curb cut, the subject property has been used over the years as an informal, unpaved cartway connecting 57<sup>th</sup> Street with the north-south alley at the rear of the subject property.
5. Properties to the north of the subject property are developed with row dwellings and a semi-detach dwelling. The remainder of the square is improved primarily with one-family detached and semi-detached dwellings.

**The Applicant's Project**

6. The Applicant proposes to construct a new two-story, one-family semi-detached dwelling located on the southern property line of the subject property. The three-bedroom house will have the same east-west orientation of neighboring dwellings and will be set back 30

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feet from the street, slightly further than the neighboring dwellings due to the subject property's narrow frontage along 57<sup>th</sup> Street. The house will be approximately 17 feet wide and 45 feet long. Its front façade will feature brick veneer, with siding on the other elevations.

7. The Applicant will provide a side yard at least four feet wide on the north side of the house, where the side yard will range in width from four feet to more than 16 feet. The R-2 zone requires side yards at least eight feet wide. *See* 11 DCMR § 405.9. The abutting property to the north is improved with a semi-detached dwelling. The minimum distance from the neighboring dwelling to the subject property is three feet.
8. The proposed dwelling was sited along the southern property line so as to maximize its distance from the neighboring dwelling and to locate the house closer to the street, similar to nearby residences. However, because of the irregular nature of the southern property line, the house thus located will not satisfy the rear yard requirement of at least 20 feet in the R-2 zone. *See* 11 DCMR § 404.1. The property will contain an area approximately 30 feet by sixty feet at the rear of the dwelling. One parking space, accessible from the alley, will be located in this area.
9. The location of the house along the southern property line will also eliminate the possibility of providing a side yard on the southern side of the house. In the R-2 zone, a one-family dwelling that does not share a common division wall with another building is required to have a side yard on each resulting free-standing side. *See* 11 DCMR § 405.3.

**Zone Plan**

10. The subject property is located in the R-2 zone district, which "consists of those areas that have been developed with one-family, semi-detached dwellings, and is designed to protect them from invasion by denser types of residential development. It shall be expected that these areas will continue to contain some small one-family detached dwellings." 11 DCMR § 300.1.
11. The proposed two-story house will have a building height of 25 feet, six inches. The R-2 district allows a maximum height of 40 feet and three stories. *See* 11 DCMR § 400.1.
12. Lot occupancy after construction of the house will be 21 percent. The R-2 zone permits a maximum lot occupancy of 40 percent for a one-family dwelling. *See* 11 DCMR § 403.2.

**CONCLUSIONS OF LAW AND OPINION**

The Applicant seeks area variances from the minimum lot frontage requirement under § 401.6, the minimum rear yard requirement under § 404, and the minimum side yard requirements under §§ 405.3 and 405.9 to construct a one-family semi-detached dwelling in the R-2 district at 410

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57<sup>th</sup> Street, NE (Square 5229, Lot 800). The Board is authorized under § 8 of the Zoning Act to grant variance relief where, “by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,” the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that 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. 11 DCMR § 3103.2.

The Board concurs with the Applicant and the Office of Planning that the subject property faces an exceptional situation or condition as a lot that was established in its current shape prior to the adoption of the Zoning Regulations. The lot was created as an irregularly shaped parcel, very narrow and generally triangular at one end, and situated at an angle from surrounding properties, such that the now-applicable area requirements cannot be satisfied on the subject property.

The strict application of the Zoning Regulations to the subject property would result in a practical difficulty to the owner, because development consistent with the R-2 designation of the property could not occur on the lot without variance relief from the street frontage requirement, and could otherwise result in the development of a very narrow dwelling (only 12 feet wide at most) placed closer than necessary to the abutting residence. The planned house has been designed and located on the lot so as to minimize its potential impacts on neighboring properties, but that location – specifically with respect to the siting of the house along the southern property line – created the need for additional variance relief from side yard and rear yard requirements.

The Board also concurs with the Applicant and OP that the requested variances 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. The Applicant’s project will provide infill development of a new one-family semi-detached dwelling, with parking, in a location designated for relatively low-density residential development. The new house will not impair the light and air available to any nearby residences.

The Board is required to give “great weight” to any issues and concerns raised by ANC 7C in this proceeding. The Board credits the unique vantage point that ANC 7C holds with respect to the impact of the requested zoning relief on the ANC’s constituents. However, the Board concludes that the ANC did not offer persuasive evidence that would cause the Board to find that the requested zoning relief should not be approved. ANC 7C recommended denial of the application on the grounds that the Applicant had not addressed certain concerns raised by neighbors relating to the “the large amount of space” needed to build the planned house; the possibility that the house would be rented out; the proposed design of the house, which would “not fit with the design and look of the current homes” in the vicinity; and the Applicant’s failure to “request the opinion and input of residents on the design of the dwellings prior to designing the dwellings on paper to ensure their concerns can be addressed or a compromise can be reached.” The Board concurs with OP that approval of the requested variance relief is

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appropriate under the circumstances, and notes that whether the house will become renter- or owner-occupied is not germane to its deliberations on zoning matters. With regard to design issues, the Board notes that the proposed house will comply with height and lot occupancy requirements applicable in the R-2 zone, and concurs with OP that the planned one-family semi-detached dwelling, which will replicate the rowhouse pattern on the block, will be consistent with the character of the surrounding residential neighborhood and with the low-density residential intent of the R-2 zone.

Based on the findings of fact, and having given great weight to the recommendations of the Office of Planning and to the written report of ANC 7C, the Board concludes that the Applicant has satisfied the requirements for area variances from the minimum lot frontage requirement under § 401.6, the minimum rear yard requirement under § 404, and minimum side yard requirements under §§ 405.3 and 405.9 to construct a one-family semi-detached dwelling in the R-2 district at 410 57<sup>th</sup> Street, NE (Square 5229, Lot 800). Accordingly, it is hereby **ORDERED** that the application, pursuant to the plans marked as Exhibit No. 7, as revised by Exhibit No. 20, is hereby **GRANTED**.<sup>2</sup>

**VOTE: 4-0-1** (Marc D. Loud, Shane L. Dettman, Meridith Moldenhauer, and Anthony J. Hood voting to Approve; one Mayoral Appointee (vacant) not participating)

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

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

**FINAL DATE OF ORDER: February 5, 2010**

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.

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<sup>2</sup> At its decision meeting on September 15, 2009, the Board voted to approve the application subject to a condition that would have required the Applicant to use best efforts to work with the District Department of Transportation (“DDOT”) to pave a portion of the unpaved alley abutting the subject property, and, if not so paved by DDOT within 18 months, to pave the alley at the Applicant’s sole expense and cost. The condition was adopted in response to testimony by neighbors that the Applicant’s proposed development would end the neighbors’ use of the subject private property, which had served over the years as an informal public cartway. However, the Board declines to include the condition in its final order in light of concerns about the enforceability of the condition. The Board notes that owners of nearby properties may petition DDOT to pave any public alleys in the vicinity of the subject property, regardless of the Applicant’s proposed construction.

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

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

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

MN

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

**Application No. 18013 of Franklin Commons Intergenerational Day Care Center, Inc.**, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a special exception for a child development center (50 children and 14 staff), under section 205, and for a variance from the off-street parking requirements under subsection 2101.1, in the R-3 District at premises 119 Franklin Street, N.E. (Square 3505, Lot 802).<sup>1</sup>

**HEARING DATES:** December 22, 2009 and January 19, 2010

**DECISION DATES:** February 9<sup>2</sup> and 16, 2010

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The Application was accompanied by a letter, dated March 30, 2009, from the Zoning Administrator stating that the Applicant's Certificate of Occupancy application to use the subject premises as a child development center for fifty (50) children, ages infant to twelve (12) years old, with fourteen (14) staff was denied due to the need for Board of Zoning Adjustment approval. (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) 5C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5C, which is automatically a party to this application. The ANC filed a report, dated December 18, 2009, indicating that the ANC voted unanimously in support of the application on November 12, 2009, at a duly-noticed, regularly-scheduled meeting at which a quorum was present. OP submitted a timely report recommending approval of the application. (Exhibit 33). The District of Columbia Office of the State Superintendent of Education also submitted a letter, dated November 6, 2009, in support of the application. (Exhibit 32).

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> The Application was amended to include area variance relief from the off-street parking requirements for the proposed child development center use under 11 DCMR § 2101.1. The Board's approval of the variance reduced the required spaces from four spaces to none.

<sup>2</sup> The Special Public Meeting that was to be held on February 9, 2010 was postponed to February 16, 2010. No deliberations took place on February 9, 2010.

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

In addition, 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 205. 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 205, 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 CONDITION:**

1. This approval shall be for a term of five (5) years.

**VOTE:** **4-0-1** (Meridith H. Moldenhauer, Marc D. Loud, Shane L. Dettman, Michael G. Turnbull to APPROVE. One Board member not participating, nor 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:** February 22, 2010

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

PURSUANT TO 11 DCMR 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, 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.

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

**Application No. 18021 of Peter and Leslie Shields**, pursuant to 11 DCMR § 3104.1, for a special exception under section 223, to allow a two story addition to an existing one-family detached dwelling, not meeting the side yard requirements (section 405), in the R-1-B District at premises 4719 Butterworth Place, N.W. (Square 1536, Lot 834).

**HEARING DATE:** January 19, 2010

**DECISION DATES:** February 9<sup>1</sup> and 16, 2010

**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) 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 resolution in support<sup>2</sup> of the application, having approved the resolution by unanimous vote at a regularly-scheduled, duly-noticed meeting at which a quorum was present. (Exhibits 29 and 32). OP submitted a timely report recommending approval of the application. (Exhibit 24). An email from a neighbor and a petition in support, signed by seven neighbors, were submitted for the record. (Exhibit 23).

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<sup>1</sup> The Special Public Meeting that was to take place on February 9, 2010 was postponed to February 16, 2010. No deliberations occurred on February 9, 2010.

<sup>2</sup> The ANC conditioned their support on the Applicants providing “the BZA with meaningful assurances that in the process of constructing the Proposed Addition the Applicants will take steps to ensure that water from the Property does not runoff into the alley.” In their report they alluded to one of the objections from a neighboring property owner of concerns relating to water in the alley. That neighbor testified in opposition to the project at the hearing. The Board completed public testimony on January 19, 2010, but requested additional information to supplement the record. In response to the Board’s request, the Applicants submitted revised plans and a narrative, dated January 26, 2010. The revised site plan addressed the stormwater drainage issue as well as gave a description of the Applicants’ efforts to seek a solution from the City to repair the public alley pavement to address the water problem. (Exhibit 33). By an email submitted to the record, the opposing neighbor indicated his support of the Applicants’ revised plans with respect to the water remediation plan. (Exhibit 34).

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One neighbor testified in opposition to the application and two other neighbors submitted a letter in opposition. (Exhibit 24).

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, not meeting the side yard requirement of section 405. 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, 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.

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 8 – Plans and Exhibit 33 – Revised Site Plan) be **GRANTED**.

**VOTE:** **4-0-1** (Marc D. Loud, Shane L. Dettman, Meridith H. Moldenhauer, Michael G. Turnbull to APPROVE. One Board member not participating, nor 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:** February 22, 2010

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.

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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.

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

**Application No. 18042 of The Fishing School**, pursuant to 11 DCMR § 3104.1, for a special exception for a child development center (65 children and 20 staff) under section 205, in the R-2 District at premises 4737 Meade Street, N.E. (Square 5156, Lot 70).<sup>1</sup>

**HEARING DATES:** February 9<sup>2</sup> and 16, 2010  
**DECISION DATE:** February 16, 2010 (Bench Decision)

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The Application was accompanied by a letter, dated November 18, 2009, from the Zoning Administrator stating that the Applicant's Certificate of Occupancy application to use the subject premises as a child development center in the form of an After School Program for 65 children and 20 staff was denied due to the need for Board of Zoning Adjustment approval.<sup>3</sup> (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) 7C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7C, which is automatically a party to this application. ANC 7C submitted a letter of support, although no official vote was held. (Exhibit 23). The Single Member District (SMD) Commissioner also submitted a letter of support. (Exhibit 22). The Office of Planning (OP) submitted a timely report recommending approval of the application.<sup>4</sup> (Exhibit 25).

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<sup>1</sup> This application seeks to expand a use the Board had previously approved. In BZA Order No. 16152 the Board approved the use of the site as a child development center for 15 children, ages 5 to 15, and five staff on the first and part of the second floor. The site has been used as a child development center, providing after school, weekend and summer programs, since then.

<sup>2</sup> The February 9, 2010 hearing was postponed to February 16, 2010. No testimony was heard on February 9, 2010.

<sup>3</sup> Having recently constructed a new, larger building on the site that replaced the older structure, the Applicant was seeking to expand its operations from that described in the previously-issued Certificate of Occupancy No. CO0903537 for a child development center for 15 children and 5 staff. (Exhibit 7).

<sup>4</sup> According to OP's report, a Program Manager with the Child Licensing Unit (OSSE) indicated that the proposal would not require OSSE licensing. (Exhibit 25).

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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 205. 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<sup>5</sup>, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 205, 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**.

**VOTE:**       **4-0-1** (Marc D. Loud, Meridith H. Moldenhauer, Shane L. Dettman, Nicole C. Sorg to APPROVE. No Zoning Commission member participating, nor 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:** February 18, 2010

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.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT), THE

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<sup>5</sup> The ANC heard from the Applicant at a meeting and submitted a letter of support, but an official vote was not taken, since a quorum was not present at the meeting. Therefore, the Board could not give the ANC's position great weight.

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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.