

DISTRICT OF COLUMBIA OFFICE OF ADMINISTRATIVE HEARINGS**NOTICE OF PUBLIC MEETING AND INVITATION TO STAKEHOLDERS**

You are invited to participate in a Community Forum on Enforcement Cases and the Office of Administrative Hearings (“OAH”) on **Wednesday March 24, 2010, from 1:00 to 4:00 p.m.** Enforcement jurisdictions include Department of Consumer & Regulatory Affairs (DCRA), Department of Environment (DDOE), Fire and Emergency Medical Services (FEMS), Department of Health (DOH), Department of Mental Health (DMH), Department of Public Works (DPW), Department of Transportation (DDOT), Office of Planning, Office of Tax and Revenue (OTR), and Taxicab Commission.

The Forum is part of an ongoing effort by OAH to assess and respond to the needs of its litigants, particularly self-represented parties. It will bring together community members from a variety of professional backgrounds – government, faith-based, legal, and business (as well as representatives of the client community) – to share their experiences and discuss how administrative litigation before OAH in the area of enforcement cases can be made more user-friendly.

This event is sponsored by OAH and The Columbus School of Law of The Catholic University of America (“CUA”). CUA will lead the Forum. Last year, CUA was awarded a two-year Bellows Scholar Fellowship to undertake a study of “Access to Justice and Community Involvement in the D.C. Office of Administrative Hearings.”

The Forum will be conducted as a facilitated meeting covering the following topics: 1) the most challenging issues facing parties, 2) the kinds of support (from OAH, from lawyers, and from others in the community) that would be most helpful in addressing these issues, and 3) the best ways to develop resources for parties.

The Forum will include the following components:

- Introductory remarks from Chief Administrative Law Judge Mary Oates Walker
- Presentation by principal administrative law judges
- Facilitated discussion to identify needs of parties appearing before OAH
- Facilitated discussion to identify resources that could be developed

Public involvement in the Forum is critical to its success, and we sincerely hope you will attend. The Forum will be held at **441 4th Street NW**, on **Wednesday March 24, 2010, from 1 p.m. to 4 p.m.** in **Room 250 North**. You will need a picture ID to be admitted to the building.

Pre-registration is required. To register, or if you would like more information, please contact Professor Faith Mullen, Assistant Clinical Professor, The Catholic University of America Columbus School of Law by email at mullen@law.edu or by phone at (202) 319-6613.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF RELOCATION

Effective Monday, March 22, 2010, the Department of Consumer and Regulatory Affairs will be located at:

1100 4th Street, SW
Washington, D.C. 20024
202-442-4400

Additional information regarding the relocation is available at dcra.dc.gov/moving or by emailing dcra@dc.gov.

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:

Application Date	Address	Lot	Square	Use
February 24, 2010	2910 Garfield Street, NW	828	2113	Brick building
March 3, 2010	401 M Street, SW	89	542	3-story mixed use commercial building
March 3, 2010	33050 8 th Street, NE	47	3831	Masonry/glass building

For further information, please contact Mr. Tyrone Thomas at the Permit Operations Division via email at Tyrone.Thomas2@dca.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 Business Plan Consulting Provider**

E.L. Haynes Public Charter School invites all interested and qualified parties to submit proposals to provide business plan consulting support for the development of the E.L. Haynes business plan. Proposals are due no later than 12:00 PM March 22, 2010. The RFP with bidding requirements can be obtained by contacting:

Jimmy Henderson
E.L. Haynes Public Charter School
Phone: 202.667.4446
Email: jhenderson@elhaynes.org

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**NOTICE OF FUNDING AVAILABILITY****FY 2010 Public Charter School Service Integration Coordination Grant****RFA RELEASE DATE: March 12, 2010****APPLICATION SUBMISSION DEADLINE: April 2, 2010**

The Office of Public Charter School Financing and Support (the "OPCSFS"), within the Office of the State Superintendent of Education (the "OSSE"), is soliciting grant proposals from qualified non-profit organizations to: 1) conduct a feasibility study to determine how one organization would serve to coordinate and provide wrap around services (including mental health services, social services, truancy reduction support, and other academic support services, school safety advisory services) for public charter schools; and 2) create a pilot infrastructure to provide and/or coordinate these services to public charter schools in the District of Columbia. Additionally, the non-profit organization would collect data on public charter school policy areas and serve in an advisory role to support the OPCSFS and the DC public charter school sector.

An organization/entity meeting all of the following criteria is eligible to apply for the Public Charter School Service Integration Coordination Grant under this Request for Applications.

Any Section 501(c) (3) non-profit organization with direct experience in the following:

- Working closely with and having developed close working relationships with city agencies such as Metropolitan Police Department (MPD), Fire and Emergency Medical Services (FEMS), Department of Health (DOH), Child and Family Services Agency (CFSA), Department of Mental Health (DMH) and a variety of Community-Based Organizations (CBOs) providing mental health and social services;
- Providing wrap-around social services and/or mental health services to public charter schools;
- Working closely with more than 75% of the current District of Columbia public charter schools;
- Serving as a resource for coordinating and facilitating information sharing between city agencies/CBOs and the public charter schools

To receive more information, please contact:

Renee Evans
Office of the State Superintendent of Education
810 First Street, NE, 9th Floor
Washington, D.C. 20002
Telephone: 202-727-8488
Email: reneem.evans@dc.gov

Please visit www.osse.dc.gov or contact Renee Evans to receive a copy of the RFA.

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
OFFICE OF PUBLIC CHARTER SCHOOL FINANCING AND SUPPORT**

**DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL
CREDIT ENHANCEMENT FUND COMMITTEE**

REVISED NOTICE OF 2010 PUBLIC MEETING SCHEDULE

The Office of the State Superintendent of Education (OSSE) hereby announces that the District of Columbia Public Charter School Credit Enhancement Fund Committee has revised its monthly public meeting schedule for the year 2010 to include a new meeting location as well as including new OSSE contact information. The public meetings will continue to be held on the third Thursday of each month from 12:30 to 1:30 pm on the following dates:

March 18, 2010

April 15, 2010

May 20, 2010

June 17, 2010

July 15, 2010

August 19, 2010

September 16, 2010

October 21, 2010

November 18, 2010

December 16, 2010

The public meetings shall take place at:

**The Charles Sumner School
1201 17th Street, NW
Washington, DC 20036.**

12:30 pm to 1:30 pm

For additional information, please contact: Faida Fuller, Program Officer, Office of the State Superintendent of Education; 810 First Street, NE, 9th Floor, Washington, D.C. 20002; Tel: 202-442-4022; Fax: 202-727-2019 or email at Faida.fuller@dc.gov.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2010

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 1200 First Street NE, 5th Floor, Washington, DC, intends to issue a permit to the Architect of the Capitol's Office of Planning and Project Management to operate one (1) 149 kW emergency generator at the C Street NW Tunnel, Washington, DC.

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

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

Comments should be addressed to:

Stephen S. Ours, P.E.
Chief, Permitting and Enforcement Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington D.C. 20002

No written comments postmarked after April 12, 2010 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2010

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 1200 First Street NE, 5th Floor, Washington, DC, intends to issue permits to the Architect of the Capitol's Supreme Court Buildings and Grounds Jurisdiction to operate two (2) 800 kW emergency generators, designated Nos. 2 and 3, at the Thurgood Marshall Federal Judiciary Building located at One Columbus Circle NE, Washington, DC.

The applications to construct/operate the generators and the draft permits are 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, P.E.
Chief, Permitting and Enforcement Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington D.C. 20002

No written comments postmarked after April 12, 2010 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2010

PUBLIC NOTICE

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

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

Comments should be addressed to:

Stephen S. Ours, P.E.
Chief, Permitting and Enforcement Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington D.C. 20002

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2010

PUBLIC NOTICE

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Equipment Location	Address	Equipment Size	Model Number	Serial Number	Fuel
1201 16 th Street, NW Washington, DC 20036	1201 16 th Street, NW Washington, DC 20036	475 kW (724 hp)	Caterpillar 3412DIT	81Z08178	Diesel

The application to operate the generator and the draft permit are 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
1200 First Street, N.E., 5th Floor
Washington DC 20002

No written comments postmarked after April 12, 2010 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2010

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 1200 First Street NE, 5th Floor, Washington, DC, intends to issue a permit to construct and operate a 500 kilowatt No. 2 fuel oil-fired emergency generator to Sibley Memorial Hospital, located at 5215 Loughboro Road NW, Washington, DC 20016.

The application for the No. 2 fuel oil-fired emergency generator and the draft permit are 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
1200 First Street NE, 5th Floor
Washington, DC 20002

No written comments postmarked after April 12, 2010 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2010

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 1200 First Street NE, 5th Floor, Washington, DC, intends to issue a permit to construct and operate one (1) 100 kW emergency generator at the Smithsonian Institution's National Zoological Park, located at 3001 Connecticut Avenue NW, Washington, DC.

The application to construct/operate the generator and the draft permit are 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, P.E.
Chief, Permitting and Enforcement Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington D.C. 20002

No written comments postmarked after April 12, 2010 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2010

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 1200 First Street NE, Washington, DC, intends to issue permits to operate three (3) existing 2000 kW emergency generators, at Square 634, underground, adjacent to the Capitol Visitor Center Truck Tunnel, Washington, DC.

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

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, P.E.
Chief, Permitting and Enforcement Branch
Air Quality Division
District Department of the Environment
1200 First Street, NE, 5th Floor
Washington D.C. 20002

No written comments postmarked after April 12, 2010 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2010

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 1200 First Street, N.E., Washington, DC, intends to issue permits to the Architect of the Capitol, to operate the following generators, located in Washington DC.

Equipment Location	Address	Equipment Size	Model Number	Serial Number	Fuel
Thurgood Marshall Federal Judiciary Building	One Columbus Circle, N.E. Washington, DC 20002	930 kW (1324 hp)	3508-DITA	23Z03708	Diesel
U.S. Botanic Garden Facility	First Street, S.W., Washington, DC 20515	150 kW (260 hp)	John Deere 6081AF001	RG6081A108709	Diesel

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

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
1200 First Street, N.E., 5th Floor
Washington DC 20002

No written comments postmarked after April 12, 2010 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2010

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 1200 First Street NE, Washington, DC, intends to issue a permit to operate one (1) 1250 kW emergency generator at the U.S Capitol Police Headquarters located at 119 D Street NE, Washington, DC.

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

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Comments should be addressed to:

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District Department of the Environment
1200 First Street NE, 5th Floor
Washington D.C. 20002

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DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2010

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 1200 First Street NE, Washington, DC, intends to issue permits to construct/operate three (3) new natural gas fired 8.37 MMBtu/hr boilers at the United States Marine Corps Barracks located at 8th and I Streets SE, Washington, DC 20390.

The applications to construct and operate the three (3) new natural gas fired boilers and the draft permits are all available for public inspection at AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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
1200 First Street NE, 5th Floor
Washington D.C. 20002

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

FRIENDSHIP PUBLIC CHARTER SCHOOL
NOTICE OF REQUEST FOR PROPOSAL FOR

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

EVENT/CONFERENCE CENTER

Friendship Public Charter School is seeking bids from prospective candidates to provide Event/Conference Centers and Catering Services in accordance with requirements and specifications detailed in the Request for Proposal.

An electronic copy of the full Request for Proposal (RFP) may be requested by contacting:

Valerie Holmes
vholmes@friendshipschools.org
202-281.1722

**DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH
HIV/AIDS, HEPATITIS, STD & TB ADMINISTRATION**

**NOTICE OF FUNDING AVAILABILITY
Request for Applications (RFA) # HAHSTA_03-26-10**

FY 2010 CARE Act Part A - MAI Grant

The Government of the District of Columbia, Department of Health/ HIV/AIDS, Hepatitis, STD & TB Administration is soliciting applications from qualified applicants to provide a variety of clinical and medical support services to indigent, uninsured and under-insured persons who are HIV-infected and affected.

Approximately \$ 700,000 in FY 2010 (August 1, 2010 – February 28, 2011) CARE Act Part A-MAI Grant funds are expected to be available for a seven month award.

These funds will be awarded to the District of Columbia HIV/AIDS, Hepatitis, STD & TB Administration (HAHSTA) by the U.S. Health Resources & Services Administration (HRSA) under the CARE Act Part A-MAI program contingent upon availability of funds. Services under the FY 2010 CARE Act Part A-MAI grant programs include medical case management, outpatient ambulatory medical care, linguistic services, mental health services, outreach services, oral health and substance abuse services.

The release date for this RFA is Friday, March 26, 2010. The District of Columbia, Department of Health, HIV/AIDS, Hepatitis, STD & TB Administration will have the complete RFA available for pick up at 64 New York Avenue, NE, 5th Floor, Suite 5001 and on the following website www.opgs.dc.gov on **Friday, March 26, 2010.**

The Request for Application (RFA) submission deadline is 5:00 pm Tuesday, May 18, 2010. The Pre-Application conference will be held in the District of Columbia at 64 New York Avenue, NE, 1st Floor Conference Room, Washington, DC 20002, **on Wednesday, April 7, 2010, from 10:30am – 12:30pm.**

If you have any questions please contact T'Wana L. Holmes via e-mail twana.holmes@dc.gov or by phone at (202) 671- 4900.

**DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
HIV/AIDS, Hepatitis, STD, and TB ADMINISTRATION
Bureau of Partnership, Capacity Building & Community Outreach**

NOTICE OF PUBLIC MEETING

The Metropolitan Washington Regional HIV Health Services Planning Council hereby gives notice that the Planning Council will meet at 5:30 p.m. on March 25, 2010, in Room 1117 at 441 4th St., NW, Washington, DC. Dinner will be served at 5:00 and the meeting will begin at 5:30 p.m.

All inquiries may be addressed to Michael Tietjen, Planning Council Coordinator, at 202-671-4824 or michael.tietjen@dc.gov.

Please visit our website, www.doh.dc.gov/rwpc for more information.

**DEPARTMENT OF HUMAN SERVICES
INCOME MAINTENANCE ADMINISTRATION**

NOTICE OF FUNDING AVAILABILITY

FY 2010 Mini-Subgrants to Small Non-Profit Community-Based Organizations

The Department of Human Services (DHS), Income Maintenance Administration (IMA) is the lead agency in the District of Columbia for implementation of the Temporary Assistance for Needy Families (TANF) program. To facilitate achievement of TANF purposes, the DHS/IMA intends to award grant funds to small community-based and faith-based organizations that directly assist TANF customers and other low-income families and children in the District of Columbia.

DHS/IMA intends to make multiple grant awards of up to \$20,000 each to fund one or more services or activities offered by the eligible organizations for a 90-day period. Eligible organizations include small community-based, faith-based, non-profit organizations located in the District of Columbia with an annual budget not more than \$150,000. The service and activity to be funded through the mini-grant should have an immediate and direct impact on TANF customers or other low-income families with children with household incomes of less than or equal to 200 percent of the federal poverty line.

Faith-based organizations, such as churches, synagogues, mosques, or religiously based social service affiliates of such organizations are encouraged to apply.

The Request for Application (RFA) will be released on March 11, 2010. The RFA may be obtained from DHS/IMA located at 645 H Street, NE, Washington, D.C. 20002. In addition, the RFA will also be available on the Mayor's Office of Partnership and Grants Development website (<http://www.opgd.dc.gov>) under the link to the District Grants Clearinghouse. For additional information, please contact Ms. Marchelle White, Department of Human Services, 202-698-3942.

The deadline for submission is Friday, April 23, 2010 at 4:00 pm

Applicants are encouraged to attend the Pre-Application conference scheduled for Friday, April 2, 2010 from 1:00 p.m. – 3:00 p.m. at the Income Maintenance Administration, 645 H Street, NE; 5th Floor Conference Room, Washington, D.C. 20002. Applicants interested in attending the Conference should RSVP to Marchelle White, DHS/IMA at (202) 698-3942 on or before, Monday, March 29, 2010.

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

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

Comments on these appointments should be submitted, in writing, to Granville Woodson, Director, Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on March 12, 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.

**D.C. Office of the Secretary
Appointments of Notaries Public****Effective: March 15, 2010****Page 2**

Dale-Pierce	Lorin	Government of the District of the Columbia Executive Office of the Mayor 1350 Pennsylvania Avenue, NW, Suite 327	20004
Fox	Michelle K.	Government of the District of the Columbia Executive Office of the Mayor 1350 Pennsylvania Avenue, NW, Suite 327	20004
Vaughan	Kevin L.	Congress Heights Community Training and Development Corporation 3215 Martin Luther King Jr., Avenue, SE	20032
Woodson	Granville	Government of the District of the Columbia Office of the Secretary 441 4th Street NW Suite 810S	20001

OFFICE OF THE TENANT ADVOCATE**NOTICE OF EDUCATIONAL WORKSHOP**

The District of Columbia Office of the Tenant Advocate is co-sponsoring with IONA Senior Services a workshop on “Rent Control Protection for the Elderly and Persons with Disabilities”.

The workshop will held on: Thursday, April 1, 2010 from 2:00 p.m. until 3:30 p.m. at IONA Senior Services, 4125 Albemarle, N.W.

Information will be presented on the provision of the Rental Housing Act of 1985 that limits rent increases for the elderly (62 years of age and older) and persons with disabilities to the amount of the Consumer Price Index or 5%, whichever is lower. The provision applies to tenants living in rent control units. This protection greatly benefits tenants who are on a fixed income. The protection is provided without regard to income and there is no application fee. Participants attending the workshop can complete the application on-site and the Office of the Tenant Advocate will assume responsibility for submitting the completed applications to the Department of Housing and Community Development, Housing Regulation Administration.

For additional information or to RSVP contact Delores Anderson at 202-719-6560 or via email at delores.anderson@dc.gov.

THURGOOD MARSHALL ACADEMY PUBLIC CHARTER HIGH SCHOOL**REQUEST FOR PROPOSALS****Caterer for Annual Gala Fund-Raising Event**

Thurgood Marshall Academy—a nonprofit, college-preparatory, public charter high school—seeks a caterer for its Shining Star Gala. This annual event raises funds that support the school's rigorous curriculum and youth development services, as well as honoring supporters and raising public awareness about the school's work.

REQUIREMENTS

Ideal caterers will be able to provide, but are not limited to, the following services:

- Available on **Thursday, May 20, 2010**
- Ability to host **300-500 guests** for a cocktail reception with passed hors d'oeuvres and a sit-down, three course dinner to be held at the school
- Elegant, formal presentation and high-quality menu options
- Alternative menu options for guests with dietary restrictions
- Must provide tables, linens, chairs, utensils, glassware, china, serving/kitchen equipment as appropriate, tables/linens for auction display and other decorative elements
- Must provide appropriate number of staff to accommodate attendance: servers, cooks/kitchen attendants & bartenders
- Ability to set up four hours prior to event and clean up that evening.
- Ability to assist with floral arrangements, lighting and valet as determined necessary by Thurgood Marshall Academy
- Must hold liquor license and insurance as set by industry standards
- Experience with school fund-raising events preferred

By submitting a bid, contractors affirm that they are not an excluded party by or disbarred from doing business with either the US federal government or the government of the District of Columbia.

CONTACT FOR FURTHER INFORMATION

For further bid information contact Jennifer Crawford, 202-563-6862 or jcrawford@tmapchs.org. Further information about Thurgood Marshall Academy—including our nondiscrimination policy—may be found at **www.thurgoodmarshallacademy.org**.

SUBMISSION

Submit proposals addressing the requirements above—and including unsigned contract and website address—no later than **5 pm EST on Friday, March 19**, via e-mail to **jsher@tmapchs.org**.

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

Application No. 17964 of Emory United Methodist Church, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a variance from the height requirements under section 770, a variance from the floor area ratio requirements under subsection 771.2, a variance from the lot occupancy requirements under section 772, a variance from the loading facility requirements under section 2201, and a special exception for multiple roof structures and required setbacks under subsections 770.6(a), 777, and 411.11, to allow the construction of a new building containing church, office, retail, residential and recreation uses, in the C-2-A District at premises 6100 – 6120 Georgia Avenue, N.W. (Square 2940, Lots 801, 802, 808, and 813).

HEARING DATES: September 22, 2009 and December 15, 2009
DECISION DATES: January 26, 2010¹ and February 23, 2010

SUMMARY ORDER

SELF CERTIFIED

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

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) 4A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4A, which is automatically a party to this application. The ANC filed a report, dated September 15, 2009, indicating that, at a duly-noticed, regularly-scheduled meeting at which a quorum was present, the ANC voted unanimously in support of the application on September 8, 2009. (Exhibit 23). The Office of Planning (OP) submitted a timely report recommending approval of the application. (Exhibit 22). The District Department of Transportation (DDOT) submitted a report, dated December 9, 2009, recommending conditional support and requesting a Transportation Demand Management plan be provided. (Exhibit 39). Testimony and letters were filed in support of the application (Exhibits 25 (2nd attachment), 36, 43, 46, 51). The National Park Service objected to the project and submitted its

¹ The Board granted an extension of time for its deliberations to allow the Applicant time to explore an alternate design proposal based on discussions with the National Park Service (NPS).

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recommendations to address its objections.² (Exhibits 27, 39, and 64). Testimony was heard and the record contains other letters and one petition (Exhibit 56) that were filed in opposition of the application. (Exhibits 31, 32, 33, 34, 37, 38, 41, 42, 44, 45 and 52³, 50, 54, 55, 57, 59, 63, 65, and 66)⁴.

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 the height requirements under section 770, a variance from the floor area ratio requirements under subsection 771.2, a variance from the lot occupancy requirements under section 772, and a variance from the loading facility requirements under section 2201. 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, 770, 771.2, 772, and 2201, 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 subsections 770.6(a), 777, and 411.11. 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, 770.6(a), 777, and 411.11, 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.

² The Applicant considered the NPS' recommendations for revising the project and proposed its own potential revisions to the project in response. Ultimately, the Applicant, after consulting with its architect and general contractor, found that the NPS' suggestions presented architectural, structural and financial challenges that it could not overcome. The Applicant did, however, revise its architectural plans in its January 19, 2010 submission and asked the Board to evaluate the application based upon the submitted plans, as revised by those revised elevations so submitted. (Exhibit 58).

³ Exhibit 52 is a corrected version of Exhibit 45.

⁴ The Board waived its rules and accepted several of these exhibits that were filed after the record was closed, having found that most of the additional filings were duplicative of already-submitted statements from the persons in opposition.

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Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibits 10 and 58 – Plans) be **GRANTED SUBJECT TO THE FOLLOWING CONDITION:**

1. The Applicant shall make available to the National Park Service the dedicated space of approximately 359 square feet in the new building identified as “gift shop” in Plan A-1-1 in Exhibit 10 for the purposes of a welcome center/gift shop to educate and promote the history of Fort Stevens to visitors and the community-at-large or any other use the National Park Service deems beneficial to their mission of education and welcoming.

VOTE: 3-1-1 (Meridith H. Moldenhauer, Nicole C. Sorg, and Anthony J. Hood to APPROVE. Shane L. Dettman to OPPOSE. Marc D. Loud was recused and therefore did not participate nor vote.)

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: March 4, 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.

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.

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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. 18020 of District of Columbia Department of Real Estate Services, pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under subsection 2101.1, to construct a new five story government office building in the C-3-A District at premises 4058 Minnesota Avenue, N.E. (Square 5052, Lot 821).

HEARING DATES: December 5, 2009, January 12, 2010, February 2, 2010, and March 2, 2010
DECISION DATE: March 2, 2010

SUMMARY ORDER

SELF-CERTIFIED

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

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 7D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7D, which is automatically a party to this application. ANC 7D did not participate in the application. The Office of Planning (OP) submitted a report and testified in support of the application.

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

Based upon the record before the Board, and having given great weight to the OP report, 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 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. 18020

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Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application, pursuant to Exhibit No. 30 (Plans) is hereby **GRANTED**.

VOTE: **4-0-1** (Marc D. Loud, Meridith H. Moldenhauer, Konrad W. Schlater and Nicole C. Sorg to Approve. The National Capital Planning Commission member not present, not voting)

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: March 4, 2010

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

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

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

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

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

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

Application No. 18028 of United Unions Inc., pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a special exception to allow retail and service uses under section 518¹, and variances to allow an addition to a nonconforming office building exceeding the allowable floor area ratio limitations under subsections 531.1 and 2001.3, in the SP-2 District at premises 1750 New York Avenue, N.W. (Square 171, Lot 33).

HEARING DATE: February 23, 2010

DECISION DATE: February 23, 2010

SUMMARY ORDER

SELF CERTIFIED

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

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) 2A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2A, which is automatically a party to this application. The ANC filed a report, dated January 27, 2010, indicating that the ANC voted unanimously in support of the application on January 20, 2010, at a duly-noticed, regularly-scheduled meeting at which a quorum was present. (Exhibit 22). Additionally, the ANC testified at the hearing in support of the project. The Office of Planning (OP) submitted a timely report recommending approval of the application. (Exhibit 25).² The District Department of Transportation (DDOT) submitted a report indicating DDOT's conditional support of the project.³ (Exhibit 27).

¹ Section 518 is a newly promulgated regulation pursuant to Zoning Commission Case No. 09-11. The Zoning Commission took final action approving the text amendment on January 11, 2010. The Zoning Commission Order and Notice of Final Rulemaking was published in the *D.C. Register* on February 5, 2010, whereupon it also became effective.

² OP indicated that the building is located across the street from the White House and subject to review by the Commission of Fine Arts. It is located within the boundaries of the Shipstead-Luce Act. (See, Exhibit 24, Tab G).

³ DDOT requested certain conditions, namely, DDOT wanted the Applicant to provide some additional transportation related measures, such as a transportation impact study, a plan for managing the deliveries to the retail and service uses once these were completed, and provision for a minimum of 20 bicycle parking

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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

§ 3103.2, for variances to allow an addition to a nonconforming office building exceeding the allowable floor area ratio limitations under subsections 531.1 and 2001.3. 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, 531.1, and 2001.3, that there exists an exceptional or extraordinary situation or condition related to the property that creates an undue hardship for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

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 518. 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 518, 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** (pursuant to Exhibits 24 and 30 – Revised Plans) **SUBJECT TO THE FOLLOWING CONDITIONS:**

spaces and four bicycle racks inside the property for the use of the new employees. DDOT indicated that it reserved the right to refuse public space permits associated with this application and would prefer to see a landscaping improvement on the retaining wall facing 17th Street. At the hearing the Applicant acknowledged the DDOT requests and agreed to several of them. The Board declined to condition the order on DDOT's suggested conditions.

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1. The proposed new uses on or below the ground floor shall be limited exclusively to retail, service, and restaurant uses permitted in Sections 701.1 through 701.5 of the Zoning Regulations.
2. The Applicant is allowed the flexibility to refine the final design of the buildings (as shown on the approved plans in Exhibit 24 and as modified in Exhibit 30), subject to final approval by the Commission of Fine Arts, provided that the final design does not increase the approved floor area ratio of 5.51 or change any other approved zoning relief.

VOTE: **5-0-0** (Marc D. Loud, Shane L. Dettman, Meridith H. Moldenhauer, Nicole C. Sorg, and Michael G. Turnbull to APPROVE.)

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: March 4, 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.

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.

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

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ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION.

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. 18038 of 57th Street Mews, Inc., pursuant to 11 DCMR § 3103.2, for a variance from the lot area requirements under subsection 401.3, to allow the construction of a flat (two-family dwelling), in the R-4 District at premises 787 Irving Street, N.W. (Square 2891, Lot 34).

HEARING DATE: March 2, 2010

DECISION DATE: March 2, 2010

SUMMARY ORDER

SELF-CERTIFIED

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

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 1A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1A, which is automatically a party to this application. ANC 1A did not participate in the application. The Office of Planning (OP) submitted a report and testified in support of the application. One witness (Mr. Ryan Cummings) testified in opposition to the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to subsection 3103.2, from the variance requirements of § 401.3. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the OP report, the Board concludes that the applicant has met the burden of proving under 11 DCMR §§ 3103.2 and 401.3, 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.

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Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application, pursuant to Exhibit No. 8 (Plans) is hereby **GRANTED**.

VOTE: **4-0-1** (Marc D. Loud, Konrad W. Schlater, Meridith H. Moldenhauer and Nicole C. Sorg to Approve. The National Capital Planning Commission member not present, not voting)

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: March 4, 2010

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

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

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

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

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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.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 03-02A
Z.C. Case No. 03-02A
(Gallaudet University – Denison House)
Amendment to & Further Processing of an Approved Campus Plan
February 25, 2010

Application No. 03-02A of Gallaudet University, pursuant to 11 DCMR §§210, 3035, and 3104, for a minor amendment to, and special exception review and approval of further processing under, its approved Facilities Master Plan, 2002-2012, to allow for the renovation and conversion of Denison House from administrative to residential use on land zoned R-4 that is located within the Gallaudet University campus, which is bounded generally by Florida Avenue, N.E. to the south, West Virginia Avenue, N.E. to the east, Mount Olivet Road, N.E. and Corcoran Street, N.E. to the north, and Brentwood Parkway and 5th and 6th Streets, N.E. to the west, at premises 800 Florida Avenue, N.E. (Parcel 141/69). In accordance with 11 DCMR §§ 210 and 3035, this case has been heard by the Zoning Commission for the District of Columbia (the “Commission”) under the rules of the Board of Zoning Adjustment, at Chapter 31 of 11 DCMR.

HEARING DATE: February 25, 2010

DECISION DATE: February 25, 2010

SUMMARY ORDER

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

The Commission provided proper and timely notice of public hearing on this application by publication in the *D.C. Register* and by mail to the Applicant, Advisory Neighborhood Commission (“ANC”) 5B, and to owners of property within 200 feet of the property that is the subject of this application. The application was also referred to the Office of Planning (“OP”) for review and report.

The Subject Property is located within the jurisdiction of ANC 5B. ANC 5B, which is automatically a party to the application, submitted a written statement in support of the application. The Commission noted that the application is also of interest to ANC 6A and ANC 6C, whose boundaries are located across Florida Avenue from the Gallaudet campus. ANC 6A and ANC 6C also submitted written statements in support of the application.

OP submitted a written report and testified in support of the application.

The Commission also received letters of support for the application from Ward 5 Councilmember Harry Thomas, Jr., the Gallaudet Community Relations Council, and the H Street Community Development Corporation.

As directed by 11 DCMR § 3119.2, the Commission required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception under

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11 DCMR § 210. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in this proceeding. As noted, the affected ANC, which is an automatic party to the case, did not oppose the application. Accordingly, a decision by the Commission to grant this application would not be adverse to any party and therefore a full order is not required pursuant to D.C. Official Code § 2-509. Pursuant to 11 DCMR § 3100.5, the Commission has determined to waive the requirement of 11 DCMR § 3125.3 that the order of the Commission be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of the ANC party, and is appropriate in this case.

Based upon the record before the Commission, the Commission concludes that the Applicant has met the burden of proof, under 11 DCMR §§ 210 and 3104.1, and that the requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Map, and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED**.

The Facilities Master Plan, 2002-12, shall be amended in accordance with the plans and materials submitted by the Applicant marked as Exhibit 23 of the record, specifically page 5 and Exhibit D thereto, as modified by the guidelines, conditions and standards of this order.

VOTE: 5-0-0 (Anthony J. Hood, Peter G. May, Konrad W. Schlater, William W. Keating, III, and Michael G. Turnbull to approve).

BY ORDER OF THE D.C. ZONING COMMISSION
Each concurring member approved the issuance of this Order.

FINAL DATE OF ORDER: March 8, 2010

PURSUANT TO 11 DCMR §3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR §3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

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 COMMISSION ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED.

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THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE D.C. HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (“ACT”). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE ACT, THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, 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 THAT 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. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

ZONING COMMISSION FOR DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 07-35A
Z.C. Case No. 07-35A
(Minor Modification to Approved Planned Unit Development for
Sheridan Redevelopment LLC and DC Housing Authority)
July 30, 2009

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (the "Commission") was held on July 30, 2009. At the meeting, the Commission approved an application from the District of Columbia Housing Authority and the associated private developer team, Sheridan Redevelopment, LLC, (the "Applicant") for minor modifications to an approved planned unit development ("PUD") for property identified as Lots 61-66 in Square 5869, Lots 49-56, 131-135, 940, 956, 958, 961, 963, 965, 967, 969, 971, and 972 in Square 5872 located in the Hillside neighborhood of Anacostia, pursuant to Chapters 1 and 24 of the District of Columbia Zoning Regulations ("Modification Application"). The Commission determined that the Modification Application was properly before it under the provisions of §§ 2409.9 and 3030 of the Zoning Regulations.

FINDINGS OF FACT

1. By Zoning Commission Order No. 07-35, dated November 10, 2008 ("PUD Order"), the Commission approved a PUD and related map amendment for multiple properties in Squares 5869 and 5872. The Order approved the construction of a large community redevelopment project that comprises a total of 344 new residences including: 104 units in an apartment building with ground floor flex space, 68 stacked townhome units, 116 single-family townhouses, and 56 units in 14 four-story walk-up buildings (each having four units). Approximately 32% of the dwelling units will be affordable to households earning 60% or less of Area Median Income ("AMI"), and approximately 35% will be moderate-income units serving households earning incomes between 60% and 80% of AMI in accordance with the requirements of the public agencies providing financial subsidies for this purpose.
2. The Modification Application requested three minor modifications to Zoning Commission Order No. 07-35: (1) an increase in the size of the apartment building ground floor flex space and corresponding decrease in amount of parking provided in the apartment building; (2) a side yard adjustment in one townhouse lot; and (3) a change in height in one of the townhouse typologies.
3. The first modification relates to the 5,000 square feet of flex space located on the ground floor of the apartment building. The PUD Order provides that the ground floor of the apartment building is to be devoted to community space and that no general commercial retail uses are to be permitted. Further, the "Public Benefits and Project Amenities" section of the PUD Order describes the space as follows:

The project includes 5,000 square feet community meeting space and flexible social service space ("flex space") on the ground floor of the multi-family building for community related use. A portion of the flex space will be set aside

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for meeting space for residents of Sheridan Terrace and the larger community, this portion of the space will be furnished and made available free of charge. The remainder of the flex space will be reserved for one or more of the following uses:

- *Health, Wellness, and Environmental related uses*
- *Fitness and Exercise related uses*
- *Arts or culture related uses*
- *Computer and/or technology space*

The final programming for the flex space will be made with input from the Sheridan Terrace Steering Committee and the surrounding community. (Exhibit 70, Attachment 2.)

4. The Modification Application indicates that the Applicant finalized a development program that meets the intent of the approved PUD but with an increase in the total amount of flex space provided from 5,000 square feet to 7,735 square feet to accommodate an inner city wellness center that will provide primary care with a focus on preventive health care. A fitness facility, a community meeting space, and a small business space will also be provided. The Modification Application further provides that the proposed increase in the flex space will allow the Applicant to provide important services to the 100% affordable apartment building. In order to achieve this square footage, however, the Applicant indicated that it will have to reduce the number of parking spaces in the apartment building from 63 to 55 spaces. The Applicant asserts that the proposed 55 spaces still surpass the number of spaces (48) required per zoning and are more than adequate given the proximity to Metrorail and several major bus routes.
5. The second requested minor modification involves a reduction in the side yard for the proposed townhome on Lot 16. The side yard is to be reduced from five feet to two feet based upon updated survey information. The decrease is within the range of allowable side yards for the approved PUD, some of which are at zero.
6. The third minor modification is a reduction in the height of the D-2 townhouse unit type. Due to increases in construction costs and requests for more two-bedroom units, the Modification Application requested reducing this unit type by one story.
7. Advisory Neighborhood Commissions (“ANC”) 8A and 8C were served by the Applicant with the requested Modification Application. The ANCs did not submit a written report.
8. The Office of Planning (“OP”) also did not submit a report.
9. On July 30, 2009, at a special public meeting, the Commission voted to approve the Modification Application.

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CONCLUSIONS OF LAW

Upon consideration of the record in this application, the Commission concludes that the proposed modification is minor and is consistent with the intent of the previously approved Zoning Commission Order No. 07-35.

The Commission concludes that its decision is in the best interests of the District of Columbia and is consistent with the intent, purpose, and integrity of the Zoning Regulations and Zoning Map.

The approval of the modification is not inconsistent with the Comprehensive Plan.

The modifications do not impact the essential elements of the approved PUD, including use, gross floor area, or lot occupancy. The change in height results in a reduction of the zoning relief required. The setback reduction for one townhouse is within the range of zoning relief approved by the Commission through the PUD Order, and is very minor in size. The modifications are minor such that consideration as a Consent Calendar item without public hearing is appropriate.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for minor modifications of an approved PUD.

As such, the PUD shall be developed in accordance with the site plans submitted as Exhibits 51 and 64 as set forth in Zoning Commission Order 07-35 and as modified by Exhibits 1 and 5 included in the record of this case.

Condition No. 5 of Zoning Commission Order No. 07-35 is hereby revised to read:

5. There shall be a minimum of 255 off-street parking spaces provided in the project.

On July 30, 2009, upon motion of Commissioner May, as seconded by Commissioner Turnbull, the Commission adopted this Order at its public meeting by a vote of 4-0-1 (Anthony J. Hood, William W. Keating, III, Michael G. Turnbull, and Peter G. May to approve; Konrad W. Schlater, not voting, having recused himself).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on March 12, 2010.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 09-12**

Z.C. Case Number 09-12

Amendment to the Zoning Map for George and Dimitri Mallios

January 25, 2010

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held a public hearing on December 7, 2009 to consider an application from the George and Dimitri Mallios ("Applicant") for review and approval of an amendment to the Zoning Map of the District of Columbia from DC/R-5-B to DC/C-2-B for Lots 30 in Square 180 ("Property"), pursuant to § 102 of the District of Columbia Municipal Regulations (DCMR) Title 11 (Zoning). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022.

FINDINGS OF FACT

1. On July 15, 2009, the Office of Zoning received an application from the Applicant requesting the Commission to rezone the Property from the DC/R-5-B to DC/C-2-B Zone District ("Application"). The Commission set down the Application for a public hearing as a contested case at its September 14, 2009 public meeting.
2. The Property is located on the south side of Q Street, between 16th and 17th Streets, N.W. The lot measures approximately 2,033 square feet and is improved with a two-story row building constructed in the late-nineteenth century. It originally included an in-ground basement, but subsequent site alterations removed the berm at the front of the property to create an exposed basement/ground floor level. Over time, this ground floor level has been internally reconfigured, and the front half of the first floor removed, to accommodate a dry cleaning and laundry business and artist studio, among other commercial uses. The remainder of the first floor and the second floor has been used for residential purposes. To the rear of the property is a ten-foot wide public alley.
3. The Property is zoned R-5-B and is located in the Dupont Circle ("DC") Overlay District. The subject building is also a contributing building to the Dupont Circle Historic District. The Property is flush against the eastern edge of a DC/C-2-B Zone District.
4. The Applicant proposes to amend the Zoning Map in order to change the Zone District of the Property from DC/R-5-B to DC/C-2-B. The R-5-B District permits moderate height and density residential uses, up to a maximum lot occupancy of 60%, a maximum height of 50 feet, and a maximum density of 1.8 floor area ratio ("FAR"). The C-2-B Zone District permits commercial and residential uses, up to a maximum residential lot occupancy of 80%, a maximum height of 65 feet, and a maximum density of 3.5 FAR (with non residential density limited to 1.5 FAR).

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- The DC Overlay District provides restrictions and evaluation standards for planned unit developments (“PUDs”) and limitations on driveways and curb cuts.
5. The area around the Property is largely developed with commercial, residential, and park uses. To the west of the Property is a two-story building that fronts on Q Street and is occupied by a restaurant. Further to the west is another restaurant located at the northwest corner of the Square. To the north of the Property, across Q Street, is an approximately six-story mixed-use building, and further east along the north side of Q Street is a three-story multifamily residential building, and a 12-story residential building. To the east of the Property is a two-story single family residential row dwelling, then several multifamily residential buildings ranging from two to five stories. Directly to the south of the Property is a 10-foot wide public alley, then the rear of a restaurant that faces 17th Street. To the southeast of the Property is Stead Park. A commercial corridor extends along 17th Street from P Street to R Street N.W. Along 16th Street are buildings ranging from two to eight stories occupied by commercial, residential, and religious uses.
 6. Square 180, where the Property is located, is split zoned. Square 180’s west side is zoned DC/C-2-B, its center section of the square is zoned DC/R-5-B, and its eastern section is zoned DC/SP-1. The commercial zoning along the west side of the square extends along to an approximate depth of 100 feet into Square 180, but narrows to a depth of only 62 feet as it approaches Q Street. The Property is located in this area of narrowing, and is less than 100 feet from 17th Street.
 7. The Future Land Use Map of the District Elements of the Comprehensive Plan for the National Capital (“Comprehensive Plan”), adopted through the Comprehensive Plan Amendment Act of 2006, effective March 8, 2007 (D.C. Law 16-300), designates the Property for Commercial Low-Density/Residential Medium-Density uses. The Future Land Use Map shows a corridor along the eastern side of 17th Street that extends approximately 100 feet into Squares 178, 179, and 180 with this designation. The Property is one of the few within that corridor that is not commercially zoned. The zoning map amendment is fully consistent with the Future Land Use Map Designation.
 8. The proposed map amendment is fully consistent with the following provisions of the Comprehensive Plan:

Policy LU-2.1.3: Conserving, Enhancing and Revitalizing Neighborhoods

“Recognize the importance of balancing goals to increase the housing supply and expand the neighborhood commerce with parallel goals to protect neighborhood character, preserve historic resources, and restore the environment. The overarching goal to “create successful neighborhoods” in all parts of the city

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requires an emphasis on conservation in some neighborhoods and revitalization in others.”

Policy ED-2.2.1: Expanding the Retail Sector

“Pursue a retail strategy that will allow the District to fully capitalize on the spending power of residents, workers and visitors, and that will meet the retail needs of underserved areas.”

Policy ED-2.2.3: Neighborhood Shopping

“Create additional shopping opportunities in Washington’s neighborhood commercial districts to better meet the demand for basic goods and services. Reuse of vacant buildings in these districts should be encouraged, along with appropriately-scaled retail infill development on vacant and underutilized sites. Promote the creation of locally-owned, non-chain establishments because of their role in creating unique shopping experiences.”

Policy ED-3.1.1: Neighborhood Commercial Vitality

“Promote the vitality and diversity of Washington’s neighborhood commercial areas by retaining existing businesses, attracting new businesses, and improving the mix of goods and services available to residents.”

Policy NNW-1.1.3: Enhancing Stable Commercial Areas

“Sustain and enhance the neighborhood, community, and regional shopping areas of Near Northwest, including M Street, P Street, Wisconsin Avenue, Connecticut Avenue, Florida Avenue, 18th Street NW, 17th Street NW, and 14th Street NW. Sustain these areas as diverse, unique, pedestrian-oriented shopping streets that meet the needs of area residents, workers, and visitors.”

The new zoning is consistent with these provisions from the Land Use, Economic Development, and Dupont Circle Policy Focus Area of the Near Northwest Area Elements of the Comprehensive Plan. The map amendment will rezone the Property to the C-2-B Zone District, thereby permitting mixed commercial and residential use of the Property, thereby increasing neighborhood commerce in the existing 17th Street commercial corridor.

Policy NNW-2.2.1: Maintaining Dupont Circle’s Residential Character

“Maintain the Dupont Circle neighborhood as a primarily residential area and discourage the expansion of commercial uses into currently residential areas ...”

The Property is located within the existing 17th Street commercial corridor and the building has a history of commercial uses. Focusing commercial activity into the existing 17th Street commercial corridor prevents the encroachment of commercial activity into residential areas.

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9. Notice of the public hearing was given in accordance with the provisions of 11 DCMR §§ 3014 and 3015.
10. Advisory Neighborhood Commission ("ANC") 2B, the ANC in which the Property is located, was automatically accorded party status. There were no other parties to the case other than the Applicant and ANC 2B.
11. On December 7, 2009, the Commission held a public hearing on the Application. Steven E. Sher, an expert in land use and zoning, testified on behalf of the Applicant. Mr. Sher testified that the Future Land Use Map of the Comprehensive Plan designates the Property as Commercial Low Density/Residential Medium density. He stated that the boundary line on the Future Land Use Map is relatively uniform and extends approximately 100 feet in depth from 17th Street into contiguous Squares 178, 179, and 180. He noted that by superimposing the Future Land Use Map over the current Zoning Map, an anomaly is revealed in the zoning designation of this Property as R-5-B in comparison to the properties to the north, south, and west, which are C-2-B. He concluded that the proposed C-2-B zoning designation would not be inconsistent with the Future Land Use Map and would not be inconsistent with the general policies and actions noted in the Comprehensive Plan as a whole.
12. By letter dated November 12, 2009, ANC 2B indicated that, at a duly noticed monthly meeting with a quorum present, the ANC voted 7-0-1 to support the Application.
13. The Office of Planning ("OP") reviewed the Applicant's proposal to rezone the Property to the DC/C-2-B Zone District and, in its September 4, 2009 report, recommended that the Application be set down for public hearing. OP opined that the requested map amendment would not be inconsistent with the Comprehensive Plan. OP also recommended approval of the Application through a written report dated November 27, 2009, and through testimony at the Commission's December 7, 2009, public hearing.
14. At the conclusion of the public hearing on December 7, 2009, the Commission took proposed action to approve the map amendment. Pursuant to § 492 of the District Charter, the Commission referred its proposed decision of approval to NCPC for review and comment.
15. By delegated action dated December 30, 2009, NCPC found that the proposed map amendment would not be inconsistent with the Comprehensive Plan for the National Capital, nor would it have an adverse impact on any other federal interest.

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16. The Commission took final action to approve the map amendment at its regularly scheduled meeting held on January 25, 2009.

CONCLUSIONS OF LAW

1. The Commission's authority to amend the Zoning Map derives from the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, D.C. Official Code § 6-641.01) ("Zoning Act"). Section 1 of the Zoning Act authorizes the Commission to regulate the uses of property in order to "promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia and its planning and orderly development as the national capital." (D.C. Official Code § 6-641.01.) Section 2 of the Zoning Act provides that the "zoning regulations shall be designed to lessen congestion on the street, to secure safety from fire, panic, and other dangers to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein." (D.C. Official Code § 6-641.02.) Section 3 of the Zoning Act, among other things, authorizes the Commission to amend the zoning regulations and maps. (D.C. Official Code § 6-641.03.)
2. The Commission concludes the map amendment is consistent with the purposes of the Zoning Act. The Property is located within an existing commercial corridor. The use is consistent with the present character of the area, and will allow additional commercial uses in an existing commercial corridor. The map amendment will promote orderly development in conformity with the entirety of the District of Columbia Zone Plan as embodied in the Zoning Regulations and Map.
3. In amending the Zoning Map, the Commission is constrained by the limitation in the District Charter that the Zoning Map be "not inconsistent" with the Comprehensive Plan. § 492(b)(1) of the District Charter, D.C. Official Code § 6-641.02.

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4. The Commission concludes that approval of the requested map amendment from the DC/R-5-B to the DC/C-2-B Zone District is not inconsistent with the Comprehensive Plan. The amendment will allow use of the property consistent with its designation on the Future Land Use Map for low-density commercial and medium-density residential purposes. The new zoning is consistent with the Comprehensive Plan, specifically the Land Use, Economic Development, and Near Northwest Elements described in this order.
5. The Commission also concludes that the requested map amendment is in the best interests of the District of Columbia and will benefit the community in which the Property is located.
6. The Commission is required under § 3 of the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000, effective June 27, 2000 (D.C. Law 13-135; D.C. Official Code § 1-309.10(d)) to give great weight to issues and concerns expressed in the affected ANC's written recommendation. The Commission concurs with the ANC's recommendation for approval, and has given it the great weight to which it is entitled.
7. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to OP recommendations. The Commission concurs with the OP's recommendation for approval, and has given its recommendation the great weight to which it is entitled.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the Application for an amendment of the Zoning Map to change the zoning of Lot 30 in Square 180 from the DC/R-5-B to the DC/C-2-B Zone District.

The Owner is required to comply fully with the provisions of the D.C. Human Rights Act of 1977, D.C. Law 2038, as amended, D.C. Official Code § 2-1404.01 *et seq.* ("Act"). This Order is conditioned upon full compliance with those provisions. In accordance with the Act, the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, martial 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 that 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. The failure or

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refusal of the Owner to comply shall furnish grounds for denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

On December 7, 2009, upon the motion of Chairman Hood, as seconded by Commissioner May, the Zoning Commission **APPROVED** the Application at the conclusion of its public hearing by a vote of **4-0-1** (Anthony J. Hood, Konrad W. Schlater, Peter G. May, and Michael G. Turnbull to approve; William W. Keating, III, not present, not voting).

On January 25, 2010, upon the motion of Chairman Hood, as seconded by Commissioner May, the Commission **ADOPTED** the Order at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Konrad W. Schlater, Peter G. May, and Michael G. Turnbull to approve; William W. Keating, III, not having participated, not voting).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register* on March 12, 2010.