

DISTRICT OF COLUMBIA CHILD SUPPORT GUIDELINE COMMISSION

NOTICE OF A PUBLIC MEETING

The District of Columbia's Child Support Guideline Commission's Monthly Meeting

Thursday, May 20, 2010, at 8:15 A.M.
D.C. Office of the Attorney General, Child Support Services Division
441 4th Street, NW, Ste. 550N
Conference Room A
Washington, D.C. 20001

The District of Columbia Child Support Guidelines Commission (Commission) announces its monthly meeting in which it will discuss proposed changes to the District's Child Support Guideline (Guideline). The Commission's mission is to review the Guideline annually and to provide the Mayor with recommendations for improving the efficiency and effectiveness of the Guideline. In order to achieve its objective, and to ensure the recommendations the Commission provides to the Mayor take into account the public's concerns, it invites the public to attend its regularly scheduled monthly meeting.

Persons wishing to Review the Child Support Guideline prior to the public meeting, may access it online by visiting the District of Columbia's website at www.dc.gov.

Individuals who wish to attend should contact: Cory Chandler, Chairperson, Child Support Guideline Commission, at 202-724-2131, or by e-mail at cory.chandler@dc.gov by Monday, May 17, 2010. E-mail submissions should include the full name, title, and affiliation, if applicable, of the person(s) wishing to attend. Persons wishing to comment should send nine (9) copies of their written commentary to the Office of the Attorney General for the District of Columbia, Child Support Services Division at the address below.

Individuals who wish to submit their comments as part of the official record, should send copies of written statements no later than 4:00 p.m., Monday, May 17, 2010 to:

Cory Chandler, Deputy Director
Office of the Attorney General for the District of Columbia,
Child Support Services Division
441 4th Street, NW
550 North
Washington, D.C. 20001

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BOARD FOR THE CONDEMNATION OF INSANITARY BUILDINGS

NOTICE OF SCHEDULED MEETING

The Board for the Condemnation of Insanitary Buildings will be holding a scheduled meeting on Wednesday, May 12, 2010 at 10:00 am. The meeting will be held at 441 4th Street, NW, 11th Floor Conference Center, Washington, D.C. 20001.

Draft board meeting agendas are available on the website of the Department of Consumer and Regulatory Affairs at dcra.dc.gov, by clicking on the “Board for the Condemnation of Insanitary Buildings” tab on the main page.

For inquiries, please call the Board for the Condemnation of Insanitary Buildings at 202-442-4332 or send an email to vacantproperty@dc.gov.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION**

SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS

May 2010

CONTACT PERSON	BOARDS AND COMMISSIONS	DATE	TIME/ LOCATION
John McFarland	Board of Accountancy	4	8:30 am-12:00pm
Leon Lewis	Board of Appraisers	19	10:00 am-12:00 pm
Leon Lewis	Board Architects and Interior Designers	No Meeting	9:00 am-1:00 pm
Sheldon Brown	Board of Barber and Cosmetology	3	10:00 am-4:00 pm
Sheldon Brown	Boxing and Wrestling Commission	11	7:00-pm-9:00 pm
Sheldon Brown	Board of Funeral Directors	13	1:30 pm-5:00 pm
John McFarland	Board of Professional Engineering	27	9:30 am-1:30 pm
Leon Lewis	Real Estate Commission	11	10:30 am-12:30 pm
Pamela Peters	Board of Industrial Trades: Asbestos Electrical Plumbing Refrigeration/Air Conditioning Steam and Other Operating Engineers	No Meeting	2:00 pm-5:00 pm

Dates and times are subject to change. All meetings are held at 1100 4th Street, SW, Suite E-390 A-B, Washington, D.C. 20024.

For further information on this schedule, please contact the front desk at 202-442-4320.

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

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

VACANT: 2F03, 4D05

Petition Circulation Period: **Monday, May 3, 2010 thru Monday, May 24, 2010**

Petition Challenge Period: **Thursday, May 27, 2010 thru Thursday, June 3, 2010**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections and Ethics
441 - 4th Street, NW, Room 250N
Washington, DC 20001**

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

EXCEL ACADEMY PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS

The Excel Academy Public Charter School (“Excel”) is soliciting proposals from vendors to provide the following Services:

- I. **Food Services**
- II. **Financial Services**

To obtain an electronic copy of the full Request for Proposal (RFP), please send e-mail to Joyanna Smith, Acting Operations Director, at the following e-mail address: jsmith@excelpcs.org. Be sure to include “Food Services RFP” or “Financial Services RFP” in the subject line.

No phone calls regarding this RFP will be accepted. No proposals submitted by facsimile or e-mail will be accepted. **All questions** should be in writing by e-mail to jsmith@excelpcs.org; please put “Food Services RFP” in the subject heading if you have questions about food services and “Financial Services RFP” for questions about financial/accounting services the school is seeking.

Prospective vendors must submit one (1) original proposal signed in ink and three (3) copies delivered to the school at the following address:

Excel Academy Public Charter School
2501 Martin Luther King, Jr. Avenue, SE
Washington, DC 20020

All proposals must be received no later than 5 p.m. on Thursday, May 13, 2010.
Any proposal or modification received after this time shall not be considered.

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

NOTICE OF PUBLIC MEETING

The Department of Health Care Finance (DHCF) Pharmacy and Therapeutics Committee (Committee), pursuant to the requirements of Mayor's Order 2007-46, dated January 23, 2007, hereby announces a public meeting of the Committee to obtain input on the review and maintenance of a Preferred Drug List (PDL) for the District of Columbia. The meeting will be held Thursday, June 3, 2010, at 2:30pm in the 6th Floor Conference Room 1, at 825 North Capitol Street, NE Washington, DC 20002.

The Committee will receive public comments from interested individuals on issues relating to the topics or class reviews to be discussed at this meeting. The clinical drug class review for this meeting will include:

Bile Acid Sequestrants	ACE Inhibitors and Combination Products
Niacin Derivatives	Direct Renin Inhibitors
Triglyceride Lowering Agents	Androgen Hormone Inhibitors
Cholesterol Absorption Inhibitors	Urinary Tract Antispasmodics
High Potency Statins and Statins	Electrolyte Depleters
Combo Statin/Calcium Channel Blocker	Low Molecular Weight Heparins
Dihydropyridine Calcium Channel Blockers	Platelet Inhibitors
Beta Blockers and Combination Products	SSRIs
ARBs and Combination Products	SNRIs
Tramadol Agents	Bidil- single agent review

Any person or organizations who wish to make a presentation to the DHCF Committee should furnish his or her name, address, telephone number, and name of organization represented by calling (202) 442-9076 no later than 4:45pm on Wednesday, May 26, 2010. The person or organization may also submit the aforementioned information via e-mail to Charlene Fairfax (charlene.fairfax@dc.gov).

An individual wishing to make an oral presentation to the Committee will be limited to three (3) minutes. A person wishing to provide written information should supply twenty (20) copies of the written information to the Committee no later than 4:45pm on Wednesday, May 26, 2010. Handouts are limited to no more than two standard 8-1/2 by 11 inch pages of "bulleted" points (or one page front and back). The ready-to-disseminate, written information can also be mailed to arrive no later than Wednesday, May 26, 2010 to:

Department of Health Care Finance
Attention: Charlene Fairfax, RPh
825 North Capitol Street, NE, 6th floor
Washington, DC 20002

INTEGRATED DESIGN ELECTRONICS ACADEMY (IDEA) PUBLIC CHARTER SCHOOL

NOTICE OF A REQUEST FOR PROPOSALS: General Contracting Services

**DC Public Charter School
School Expansion Project
General Contracting Services**

DC based Real Estate Services firm, acting as the Representative for a DC Public Charter School is seeking licensed DC General Contractors for a school expansion project.

The competitive Request for Proposals (RFP) will be released on April 30, 2010.

The RFP package can be obtained by sending an email request to mimagee@atsiteres.com .

No proposals will be accepted after the deadline posted in RFP.

Mail/Email Proposals to: Attn: Michael Magee
 DC Public Charter School Expansion
 1667 K Street, NW
 Suite 350
 Washington, DC 20006

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 May 1, 2010.

Comments on these appointments should be submitted, in writing, to Granville M. 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 April 22, 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.

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Appointments of Notaries PublicEffective: May 1, 2010
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Abdus-Salaam	Aneesa	Corrections Corporation of America/Correctional Treatment Facility 1901 E Street, SE	20003
Alleyne	Sasha	Natural Resources Defense Council (NRDC) 1200 New York Avenue, NW, Suite 400	20005
Ansah	Mark	Fannie Mae 3900 Wisconsin Avenue, NW	20016
Baggott	LaTarsha	Sheppard, Mullin, Richter & Hampton LLP 1300 I Street, NW, Suite 11th Floor East	20005
Baines	T. Kelsey	Federal Deposit Insurance Corporation 550 17th Street, NW	20429
Barton	Yvonne E.	Civil War Preservation Trust 1156 15th Street, NW, Suite 900	20005
Bermudez	Wendy M.	The Law Office of C. Thomas, Chartered 403-405 8th Street, NE	20002
Blunt	Byron Russell	Garry G. Blunt, State Farm Insurance Agent 955 L'Enfant Plaza, SW, Suite 1205	20024
Brown	Alex W.	Umbrella Therapeutic Services 604 R Street, NW	20001
Brown	Vikki S.	Fannie Mae 3900 Wisconsin Avenue, NW	20016
Burns	Laura	European Union, Delegation to the United States of America 2300 M Street, NW	20037
Butler	Sheri Ann	Sheppard, Mullin, Richter & Hampton LLP 1300 I Street, NW, Suite 11th Floor East	20005
Byrd	Cassandra E.	808 Xenia Street, SE	20032

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Appointments of Notaries Public**

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Campbell-Adams	Jennifer J.	Fried Frank Harris Shriver & Jacobson, LLP 1001 Pennsylvania Avenue, NW, Suite 800	20004
Canada	Bernadette Elaine	Potomac Hospitality Services, Incorporated 1660 L Street, NW, Suite 600	20036
Carey	Linda S.	Federal Deposit Insurance Corporation 550 17th Street, NW	20429
Chimera	Daniel R.	Branch Banking and Trust Company 815 Connecticut Avenue, NW	20006
Clark	Laurie E.	Cartica Management 1775 Eye Street, NW, Suite 800	20006
Clark	Cyndy Ramirez	Duane Morris, LLP 505 9th Street, NW, Suite 1000	20004
Coleman	Lorna E.	Fannie Mae 3900 Wisconsin Avenue, NW	20016
De Sojo	Emilia	IDB-IIC Federal Credit Union 1300 New York Avenue, NW	20577
Elliott-Greenbaum	Macey	American Public Human Services Association (APHSA) 1133 19th Street, NW, Suite 400	20036
Fisher	Keith C.	Fannie Mae 3900 Wisconsin Avenue, NW	20016
Funes	Migdalia D.	Agriculture Federal Credit Union 14th & Independence Avenue, SW, Room SM2	20250
Gaddy	LaTracia	 3056 Pineview Court, NE	20018
Gethers	Shelley K.	Fannie Mae 3900 Wisconsin Avenue, NW	20016

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Gilbert-Toelle	Kimberly	Direct Title, Incorporated 1090 Vermont Avenue, NW, Unit 910	20420
Goldsmith	Kathleen C.	US Department of Agriculture Rural Utilities Service 1400 Independence Avenue, SW	20250
Grauer	Mallory N.	Marlowe & Company, LLC 1667 K Street, NW, Suite 480	20006
Green	Marshall R.	Jewish Primary Day School of the Nation's Capital 6045 16th Street, NW	20011
Greene	Linda I.	77 58th Street, SE	20019
Hafen	Emily Sherree	Policy Impact Communications 1401 K Street, NW, Suite 600	20005
Hallman	Michele R.	US Trust 730 15th Street, NW	20005
Harris	Cheryl Annette	225 62nd Street, NE	20019
Hatcher	Brenda	Corrections Corporation of America/ Correctional Treatment Facility 1901 E Street, SE	20003
Herndon	Deborah A.	US Department of Agriculture Rural Utilities Service 1400 Independence Avenue, SW, Ste 1550	20250
Higgins	Michael	Classic Concierge 1015 15th Street, NW, Suite LL2	20005
Hoye	Matthew J.	CNN America 820 First Street, NE	20002
Jayson	Sharon D.	Sheppard, Mullin, Richter & Hampton LLP 1300 I Street, NW, Suite 11th Floor East	20005

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Jhelyazkova	Galina N.	Matchbox Management LLC 806 7th Street, Suite 300	20001
Littles	Stephanie C.	The George Washington University 2025 F Street, NW, Suite 212L	20052
Lyles	Meegan Rae N.	Sidley Austin LLP 1501 K Street, NW	20007
Manning	Lisa	1701 16th Street, NW, Apartment 802	20009
McGovern	Ryan P.	Hill & Kehne, LLC 2300 Wisconsin Avenue, NW, Suite 300	20002
McWilliams	Stephen M.	Defenders of Wildlife 1130 17th Street, NW	20036
Michailovs	Liga R.	Milbank, Tweed, Hadley & McCloy, LLP 1850 K Street, NW	20006
Milne-Henry	Joy	Sutherland Asbill Brennan, LLP 1275 Pennsylvania Avenue, NW	20004
Montgomery	Jessieca	AECOM 1155 21st Street, NW, Suite 1000	20036
Morris	Rozetia	The Law Office of C. Thomas, Chartered 403-405 8th Street, NE	20002
Okpala	Gladys	Citibank 1775 Pennsylvania Avenue, NW	20006
Orologio	Alison Teri	Capitol Hill Consulting Group 499 South Capitol Street, SW, Suite 608	20003
Peacock	Charles Walker	Net Docs, LLC 1200 G Street, NW	20005

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Pelham	Glennetta L.	Corrections Corporation of America/ Correctional Treatment Facility 1901 E Street, SE	20003
Przybocki	Amy	The National Academies 500 5th Street, NW	20001
Pugliesi	Natasha V.	Winslow Partners 2401 Kalorama Road, NW	20008
Putnam	Carol A.	UBS Financial Services Incorporated 1501 K Street, NW, Suite 1100	20005
Rhyne	Tyonna	Premium Title & Escrow, LLC 1534 14th Street, NW	20005
Rice	Cory	The Harper Group, LLC 2114 N Street, NW, Suite 22	20037
Robinson	Chela I.	Office of Boards & Commissions 1350 Pennsylvania Avenue, NW	20004
Scott	Jessica	Ehrenkrantz Eckstut & Kuhn Architects 2121 Ward Court, NW, 6th Floor	20037
Sheppard	Mary M.	Friedlander Mislner, PLLC 1101 17th Street, NW, Suite 700	20036
Smith	Bethany C.	Policy Impact Communications 1401 K Street, NW, Suite 600	20005
Smith	Jane A.	Smith & Jensen, LLP 705 G Street, SW	20024
Smith	Deborah L.	Reinsurance Association of America 1301 Pennsylvania Avenue, NW, Suite 900	20004
Straughan	Lauri D.	Amalgamated Transit Union 5025 Wisconsin Avenue, NW	20016
Tackett	Bryan R.	3 Click Solutions 805 15th Street, NW, Suite 425	20005

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Villamizar	Carlos E.	Roca Services 4401-A Connecticut Avenue, NW, Suite 128	20008
Vivanco	Maria Cristina	IDB-IIC Federal Credit Union 1300 New York Avenue, NW	20577
Walle	Fazier	Capital Reporting Company 1821 Jefferson Place, NW, 3rd Floor	20036
Watson	Miranda D.	Fried Frank Harris Shriver & Jacobson, LLP 1001 Pennsylvania Avenue, NW, Suite 800	20004
Webster	Nicole D.	Metropolitan Police Department 3244 Pennsylvania Avenue, SE	20020
White	Cheryl D.	5371 Hayes Street, NE	20019
Wilkerson	Carol A.	Sheppard, Mullin, Richter & Hampton LLP 1300 I Street, NW, Suite 11th Floor East	20005
Williams-King	Jennifer A.	TD Bank 4849 Wisconsin Avenue, NW	20016
Wireman	Leshayne A.	The Law Office of C. Thomas, Chartered 403-405 8th Street, NE	20002
Woods	Monica V.	Cozen O'Connor 1627 I Street, NW, Suite 1100	20006
Young	Pearl	Howard University 525 Bryant Street, NW, Suite 137	20059
Chisholm	Pamela	1128 10th Street, NW	20001
Ross	Denise P.	313 17th Street, NE	20002
Bradford	Carl	1846 Valley Terrace, SE	20032

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Delatos	Barbara	Harmon Curran Spielberg & Eisenberg, LLP 1726 M Street, NW, Suite 600	20036
Robinson-Paul	Joyce A.	16 N Street, NW	20001
McGowan	Reshma Ballie	The Carlyle Group 1001 Pennsylvania Avenue, NW, Suite 220 South	20004
Palmiotto	Michael F.	State Farm Insurance 3408 Wisconsin Avenue, NW, Suite 217	20016
White	Simone G.	American Red Cross 430 17th Street, NW	20006
Simms	Janice M.	National Academy of Sciences 2101 Constitution Avenue, NW	20418
Smart	Anne H.	Akin Gump Strauss Hauer & Feld, LLP 1333 New Hampshire Avenue, NW	20036
Miller	Bonnie K.	Eleven Hundred Connecticut Avenue Associates 1100 Connecticut Avenue, NW, Suite 720	20036
McGrigg	Cynthia S.	Securities and Exchange Commission/Office of the General Counsel 100 F Street, NE	20549
Silverstein	Deborah C.	Rocklands Barbeque and Grilling Company 2418 Wisconsin Avenue, NW	20007
Johnson	Jeanetta L.	DC Department of Human Resources 441 4th Street, NW	20001
Prophet	Frances C.	635 Edgewood Street, NE, Apartment 720	20017
Mobley	Rotunda D.	Benjamin F. Saulter, Esq. 1710 Rhode Island Avenue, NW, Suite 700	20036
Klemp	Caroline F.	US House of Representatives 139 A Cannon House Office Building	20515

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Baker	Vicki S.	Curtin Law Roberson Dunigan & Salans, PC 1900 M Street, NW, Suite 600	20036
Fleming	Melissa G.	For The Record, Incorporated 2300 M Street, NW, Suite 800	20037
Carr	David N.	Greater Washington Urban League, Incorporated 2901 14th Street, NW	20009
Dumpit	Darlene D.	Hogan & Hartson, LLP 555 13th Street, NW	20004
Higgins	Ursula	Greater Washington Urban League, Incorporated 2901 14th Street, NW	20009

**SERVE DC
THE MAYOR'S OFFICE ON VOLUNTEERISM**

**DISTRICT OF COLUMBIA
COMMISSION ON NATIONAL AND COMMUNITY SERVICE**

NOTICE OF FUNDING AVAILABILITY

2010 Fall Service Days Grant Competition

Notice: *Attendance at a technical assistance session is required in order to be eligible to apply for this grant. Sessions are scheduled for Tuesday, May 18, 2010 from 5:30pm to 6:30pm, Monday, May 24, 2010 from 5:30pm to 6:30pm, and Thursday, June 3, 2010 from 5:30 to 6:30pm at The Franklin D. Reeves Municipal Center, 2000 14th Street, NW, Suite 101, Washington, DC 20009.*

Summary: Serve DC – The Mayor's Office on Volunteerism is offering grants to support community service projects organized for the 2010 Fall Seasons of Service Days which include the 9/11 National Day of Service and Remembrance (September 11, 2010) and Make A Difference Day (October 23, 2010), both national days of service to your community. This year, Serve DC will focus its attention for this grant competition on projects that will engage persons of all backgrounds regardless of disability, race, national origin, or religion. **Grants worth up to \$5000 each** will be awarded.

Through the 9/11 National Day of Service and Remembrance, Serve DC seeks to encourage all DC residents to voluntarily perform at least one good deed or another service activity on the anniversary of 9/11. This day of service seeks to inspire everyone to carry forward everyday in their lives, through their actions toward others, the remarkable spirit of unity, understanding, and service that brought America and the world together in the immediate aftermath of the 9/11 attacks.

Known as the "national day to help others," Make A Difference Day is a national effort designed to mobilize citizens in communities across the country in volunteer service. Make A Difference Day is sponsored by *USA WEEKEND Magazine* and held in partnership with HandsON Network and is supported by Newman's Own, in collaboration with celebrities, government, nonprofits and businesses. On this day, DC residents will "do good" and engage hundreds of volunteers.

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

Criteria for eligible applicants: Eligible applicants are local nonprofit organizations, public schools, universities, community groups, faith-based organizations, state and local units of

government, and public organizations to support service projects based on community needs and a culminating celebration to rejoice in the contribution to the community. Programs applying to Serve DC for funding must conduct the project only within the District of Columbia. An organization described in Section 501 (c) (4) of the Internal Revenue Code, 26 U.S.C. 501 (c)(4), that engages in lobbying activities is **not** eligible to apply, serve as a host site for the project, or act in any type of supervisory role in the program. **Individuals are not eligible to apply.**

All eligible applicants must meet all of the applicable requirements contained in the application guidelines and instructions. The Fall Service Day Grant Application will be released on Friday, May 14, 2010 at 9:00am. **The deadline is Tuesday, June 15, 2010 at 12:00 p.m.**

The schedule for information sessions is as follows: Franklin D. Reeves Municipal Center, 2000 14th Street, NW, Suite 101, Washington, DC 20009, Tuesday, May 18, 2010 from 5:30pm to 6:30pm, Monday, May 24, 2010 from 5:30pm to 6:30pm, and Thursday, June 3, 2010 from 5:30 to 6:30pm.

All interested applicants must register and attend one technical assistance session in order to apply for funds. To RSVP for a training session, please contact Joseph Martin, Program Officer for Training and Disability Inclusion at (202) 727-7937 or Joseph.Martin@dc.gov

Serve DC anticipates awarding grants of up to \$5000 for Fall Service Day grants. The actual number and dollar amount of the awards will depend upon the number of approved applications received and requested dollar amounts.

Applications can be obtained from Franklin D. Reeves Municipal Center, 2000 14th Street, NW, Suite 101, Washington, DC 20009 or downloaded and printed from the Serve DC Web site at www.serve.dc.gov on or after Friday, May 14, 2010. For additional information, please call Joseph Martin at (202) 727-7937.

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT**NOTICE OF FUNDING AVAILABILITY****Ward 3 Business Association Development Program**

The Department of Small and Local Business Development (DSLBD) is soliciting applications for the Ward 3 Business Association Development Project. Funding for this Project is defined in the 2010 Budget Support Act. The Project will fund the formation of a non-profit businesses association to support the retention of businesses operating in Ward 3. A grant is also available to support the start-up operations of the non-profit business association. A coalition of businesses, from the Ward 3 commercial district(s), will be selected, through a competitive application process, to lead the formation and launch of the business association.

Eligible commercial districts are within Ward 3; and they are able to demonstrate engaged support from neighborhood businesses that are committed to active participation in a business association. An eligible coalition of business applicants will be able to demonstrate the capacity to engage a Task Force, to work with an organizational development consultant during the period of June through September 2010, to design the operating structure of the business association and implement the formation requirements. The applicant coalition of businesses will propose the commercial district and operating boundaries for the business association based on identified business retention and commercial revitalization opportunities and challenges that can be managed through a business association.

The application will be released and available on the DSLBD website (www.dslbd.dc.gov), on Monday, April 26, 2010. Businesses may also pick-up the application at the Department of Small and Local Business Development, 441 4th Street, NW, Suite 970N, Washington, DC 20001, or contact the Department at (202) 727-3900. The application for services shall be submitted to the Commercial Revitalization Division, Department of Small and Local Business Development, 441 4th Street, NW, Suite 970N, Washington, DC 20001, by close of business on Tuesday, May 25, 2010.

For more information, contact Phyllis R. Love, Assistant Director, Office of Commercial Revitalization, Department of Small and Local Business Development at (202) 727-3900.

WASHINGTON LATIN PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

The Washington Latin Public Charter School hereby solicits expressions of interest in the form of proposals with references from qualified vendors for each of the 15 services listed below.

Student support services:

1. Perform evaluation of students for special education needs
2. Perform related services, OT, speech
3. Perform tutoring as part of IEPs
4. Counseling in support of IEPs
5. General Counseling services and administration of Safe Schools Grant

Business Services:

6. Development consulting – support the head of school in raising funds for the school
7. Facilities consulting – support the head of school in securing future school space
8. Technology consulting – support the school’s technology needs with installation, maintenance, repair, and professional development
9. Accounting services – perform monthly reconciliations, prepare monthly financial reports, prepare schedules for annual audit
10. Auditing services – DCPCSB approved auditor to perform annual audit

Insurance services:

11. Employee Benefits – provide health and life insurance for 50+ employees
12. Business Insurance – business insurance coverage for public charter school

School services

13. Cleaning services – daily cleaning services after school for 3 sites, with a total of 36,000 square feet
14. Food service – daily lunch service for up to 350 students at 3 locations
15. Bus service – daily bus service from two DC metro stations to the school

Questions may be e-mailed to spearcy@latinpcs.org with the subject line as the type of service. Deadline for submissions is May 14, 2009, no later than 5 pm. Appointments for presentations will be scheduled at the discretion of the school office after receipt of proposals only. No phone calls please.

Please mail proposals and supporting documents to the following address:

Washington Latin Public Charter School
Martha Cutts, Head of School
4715 16th Street NW
Washington, DC 20011

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

Application No. 18040 of David and Cornelia Royle, pursuant to 11 DCMR § 3104.1, for a special exception for a rear addition to an existing one-family detached dwelling under section 223, not meeting the side yard (section 405) and nonconforming structure provisions (section 2001.3) requirements in the R-1-B District at premises 5415 Potomac Avenue, N.W. (Square 1443, Lot 822).

HEARING DATE: March 9, 2010 and April 20, 2010

DECISION DATE: February 23, 2010¹ and April 20, 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) 3D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3D, which is automatically a party to this application. ANC 3D submitted a report in support of the application. The Office of Planning (OP) also submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under section 223. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC 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 § 3101.5, 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. 24 (Revised Plans), is hereby **GRANTED**.

¹ At a special public meeting on February 23, 2010, the Board, by consensus, approved a consent motion between the Applicant and ANC 3D, to reschedule the public hearing on this case from March 9, 2010 to April 20, 2010.

BZA APPLICATION NO. 18040
PAGE NO. 2

VOTE: **3-0-2** (Meridith H. Moldenhauer, Shane L. Dettman and Nicole C. Sorg to Approve; No other Board member or Zoning Commission member participating)

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

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

FINAL DATE OF ORDER: April 26, 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 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. 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. TWR

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

Application No. 18044 of Rock Creek Market, LLC, pursuant to 11 DCMR § 3103.2, for a variance from the use provisions to allow the sale of prepared food at an existing grocery store under § 330.5, in the R-4 district at premises 644-646 Rock Creek Church Road, N.W. (Square 3034, Lot 809).

HEARING DATE: March 9, 2010

DECISION DATE: March 9, 2010 (Bench Decision)

SUMMARY ORDER DISMISSING APPLICATION

On December 29, 2009, Rock Creek Market, LLC (“Applicant”) submitted an application for a variance from the use provisions under § 330.5 to allow sales of prepared food, such as hot beverages, pastries, and cold and grilled panini sandwiches, at a grocery store operated by the Applicant at the subject property. By letter dated October 22, 2009, the Zoning Administrator disapproved the Applicant’s request for a certificate of occupancy to use the premises as a “prepared food shop/grocery” because the proposed use was not permitted in the R-4 district, and directed the Applicant to seek approval of a variance for the proposed use by the Board.

The Office of Zoning provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* (57 DCR 510), by memoranda dated January 8, 2010 to the Office of Planning, the District Department of Transportation, and the Councilmember for Ward 1, and by mail to Advisory Neighborhood Commission (“ANC”) 1A, the ANC in which the subject property is located, to single-member district ANC 1A08, and to owners of property within 200 feet of the subject property. Parties in this proceeding are the Applicant and ANC 1A, which did not submit a report or testify at the public hearing. There were no requests for party status.

By memorandum dated March 2, 2010, the Office of Planning (“OP”) recommended approval of the requested use variance to allow a prepared food shop as an accessory use within the existing grocery store, a nonconforming use. OP also noted that the application was similar to a prior case, BZA Application No. 17906, in which the Board dismissed an application seeking permission to add the sale of certain prepared foods to an existing nonconforming grocery store in an R-4 district on the ground that no zoning relief was necessary.

Application No. 17906 of Se Y. Jeong concerned a self-certified request for a special exception under §§ 2002 and 2003 to change a nonconforming use in an R-4 zone from a grocery store to a “grocery store with delicatessen” that would offer the sale of prepared sandwiches, doughnuts, hot coffee, and cooked hot dogs in addition to the existing groceries. By order issued August 11, 2009, the Board dismissed that application on the ground that no zoning relief was required

BZA APPLICATION NO. 18044**PAGE NO. 2**

because the sale of the prepared items did not constitute an “expansion” of the grocery use, but was an inherent part of a grocery store use.

For the same reason, the Board concludes that the Applicant’s proposal to offer certain prepared foods, such as hot beverages, pastries, and cold and grilled panini sandwiches, at an existing grocery store does not require zoning relief. The Applicant’s proposed limited addition of prepared foods to the store’s existing inventory of groceries constitutes a normal, customary part of the grocery store business, and will not convert the use to prepared food shop or otherwise alter the principal grocery store use of the property.

Based upon the record before the Board and having given great weight to the recommendation of OP,¹ the Board concludes that the Applicant does not require zoning relief. Accordingly, it is therefore **ORDERED** that the application for a variance from the use provisions under § 330.5 to allow the sale of certain prepared foods at an existing grocery store in the R-4 district at 644-646 Rock Creek Church Road, N.W. (Square 3034, Lot 809) is **DISMISSED**.

VOTE: 4-0-1 (Marc D. Loud, Meridith H. Moldenhauer, Nicole C. Sorg, and Peter G. May voting to dismiss the application; Shane L. Dettman not present, not voting)

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: April 22, 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.

¹ ANC 1A did not participate in this proceeding, and therefore the Board is unable to give great weight to any issues and concerns raised by the affected ANC.

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

Application No. 18050 of Johnny's Sub Shop, pursuant to 11 DCMR § 3103.2, for a variance from the use provisions under subsection 701.1, to operate a fast food establishment in the C-1 District at 4139 Wheeler Road, S.E. (Square 5925, Lot 821).

HEARING DATE: April 13, 2010

DECISION DATE: April 13, 2010

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

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

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 8E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 8E, which is automatically a party to this application. ANC 8E did not submit a report related to the application. The Office of Planning submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case, pursuant to § 3103.2, for a variance from § 701.1. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking a variance from § 701.1, the applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates 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.

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 is hereby **GRANTED**.

BZA APPLICATION NO. 18050**PAGE NO. 2**

VOTE: **3-0-2** (Meridith H. Moldenhauer, Shane L. Dettman and Nikki C. Sorg to Approve; No other Board or Zoning Commission members participating)

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

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

FINAL DATE OF ORDER: April 20, 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 DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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

Application No. 18055 of Bonnet Development Group, pursuant to 11 DCMR § 3103.2, for a variance from the lot area requirements under subsection 401.3, to allow the conversion of a church into two residential buildings to house four (4) unit apartment units, in the R-4 District at premises 304 Q Street, N.W. (Square 521, Lot 809).

HEARING DATE: April 20, 2010

DECISION DATE: April 20, 2008

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) 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. ANC 5C submitted a letter in support of the application. The Office of Planning (OP) submitted a report 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 § 3103.2, from the variance requirements of section 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 and ANC reports, 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.

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

BZA APPLICATION NO. 18055

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conclusions of law. It is therefore **ORDERED** that this application, pursuant to Exhibit 10 (Architectural Plans and Elevations) be **GRANTED**.

VOTE: **4-0-1** (Shane L. Dettman, Konrad W. Schlater, Meridith H. Moldenhauer, and Nicole C. Sorg to Approve. The third mayoral appointee not voting, not having participated in the case.)

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

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: April 22, 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. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON

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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. 18056 of Michael L. Williams, pursuant to 11 DCMR § 3104.1, for a special exception to allow a free-standing rear carport serving an existing one-family row dwelling under subsection 2300.8, in the R-4 District at premises 637 Girard Street, N.E. (Square 3641, Lot 63).

HEARING DATE: April 20, 2010

DECISION DATE: April 20, 2010

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

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

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (ANC) 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 did not participate in the application. The Office of Planning (OP) submitted a report recommending approval of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 2300.8. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 2300.8, 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**.

BZA APPLICATION NO. 18056

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VOTE: **4-0-1** (Meridith H. Moldenhauer, Nicole C. Sorg, Shane L. Dettman and Konrad W. Schlater to Approve. The third Mayoral appointee not present not voting)

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

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

FINAL DATE OF ORDER: April 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.

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.

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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. 05-15B**

Z.C. Case No. 05-15B

(RIK DC Investments, LLC – Two-Year PUD Time Extension @ Square 775, Lot 50)

February 22, 2010

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (the “Commission”) was held on February 22, 2010. At the meeting, the Commission approved the request of RIK DC Investments, LLC, (the “Applicant”) for a two-year time extension of the consolidated review and approval of a planned unit development (“PUD”) for Square 775, Lot 50, commonly referred to as 318 I Street, N.E. (“Property”). The request was made pursuant to Chapters 1 and 24 of the District of Columbia Zoning Regulations. The Commission determined that this request was properly before it under the provisions of § 2408.10 of the Zoning Regulations.

FINDINGS OF FACT

1. By Zoning Commission Order No. 05-15 the Commission approved a residential PUD with 125-140 units and 160,000 square feet of gross floor area, including 9,120 square feet of affordable housing. The application had the support of the Office of Planning (“OP”) and the Advisory Neighborhood Commission (“ANC”) 6C. The ANC, which was automatically a party, was the only other party to this case. The approval became effective on July 21, 2006. Condition 8 of the Order provided that it would be valid for a period of two (2) years from the effective date, and construction of the project must start within three (3) years of the effective date.
2. On July 2, 2007, the property owner filed an application to modify the PUD to, *inter alia*, permit 166-180 residential units. The gross floor area remained at approximately 160,000 square feet and the development included approximately 9,186 square feet of affordable housing. The Commission approved the modifications requested by the Applicant in Zoning Commission Order No. 05-15A, which became effective on May 16, 2008. Condition 9 of this order provided that the PUD would be valid for a period of two (2) years of this effective date, and that construction of the project must start within three (3) years of the effective date. The ANC, which was automatically a party, was the only other party to this case.
3. The Property was subsequently transferred through a foreclosure sale to the Applicant in July 2009. The Applicant studied the site to determine the feasibility of constructing the PUD as approved but did not have enough time to complete its analysis and secure building permits prior to the expiration of the PUD. Accordingly, on December 28, 2009, the Applicant submitted an application with the Commission requesting a two-year extension of the PUD. It simultaneously served OP and the ANC with a copy of the extension request and provided at least 30 days for each to respond to the application.

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4. OP submitted a report dated February 1, 2010 in support of the extension requested, specifically stating that the Applicant had met the burden set forth in 11 DCMR § 2408.10.
5. The ANC submitted a letter dated January 19, 2010 in support of the extension requested, provided that the Property is maintained in the meantime.

CONCLUSIONS OF LAW

The Commission may extend the validity of a PUD for good cause shown upon a request made before the expiration of the approval, provided: (a) the request is served on all parties and all parties are allowed 30 days to respond; (b) there is no substantial change in any material facts upon which the Commission based its original approval of the PUD that would undermine the Commission's justification for approving the original PUD; and (c) substantial evidence that there is good cause for the extension based on the criteria established in § 2408.11. (11 DCMR § 2408.10.) The three criteria under § 2408.11 are: (a) an inability to obtain sufficient project financing for the PUD, following an applicant's good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's control; (b) an inability to secure all required governmental agency approvals for a PUD by the expiration date of the PUD Order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or (c) the existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the PUD order. (11 DCMR § 2408.11.)

The Commission concludes the Applicant complied with the notice requirements of 11 DCMR § 2408.10(a) by serving all parties with a copy of the application and allowing them 30 days to respond.

The Commission concludes there has been no substantial change in any material facts that would undermine the Commission's justification for approving the original PUD.

The Commission concludes the Applicant presented substantial evidence of good cause for the extension based on the criteria established by 11 DCMR § 2408.11(c). Specifically, the Applicant purchased the Property in a foreclosure sale and had limited time to perform an analysis of the feasibility of developing the PUD in the current real estate climate before the expiration of the PUD approval.

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

The approval of the time extension is not inconsistent with the Comprehensive Plan.

Z.C. ORDER NO. 05-15B
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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 Case No. 05-15B for a two-year time extension of the PUD approval in Zoning Commission Order No. 05-15, as modified by Zoning Commission Order No. 05-15A.

The final PUD approved by the Commission shall be valid until May 16, 2012, within which time an application shall be filed with the District for a building permit. Construction shall start no later than May 16, 2013.

For the reasons stated above, the Commission concludes that the Applicant has met its burden; it is hereby **ORDERED** that the application be **GRANTED**.

On February 22, 2010, upon the motion of Chairman Hood, as seconded by Vice Chairman Keating, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, William W. Keating, III, Konrad W. Schlater, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *DC Register* on April 30, 2010.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 06-08B**

Z.C. Case No. 06-08B

**Modification of an Approved Consolidated Planned Unit Development and
Time Extension Request**

(Fort Lincoln/Gateway Village, LLC)

March 8, 2010

This Order pertains to two related requests by Fort Lincoln/Gateway Village, LLC (the "Applicant"). The Applicant seeks approval of a modification to an approved planned unit development ("PUD") and an extension of the period of approval of the PUD project for the property known as Parcel 173/145 in Square 4325 (the "Property"). The original PUD order was approved in Z.C. Case No. 06-08, which became effective on November 23, 2007. The original PUD order was previously modified through a minor modification approved in Z.C. Case No. 06-08A, which became effective on May 16, 2008.

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held a public hearing on February 1, 2010 to consider the modification and time extension request. The February 1, 2010 public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. At the public hearing on February 1, 2010, the Commission took proposed action to approve the modification.

The proposed action of the Commission was referred to the National Capital Planning Commission ("NCPC") pursuant to § 492 of the District Charter. NCPC concluded that the proposed modification of the approved PUD is not inconsistent with the Comprehensive Plan for the National Capital, and found that the project is not consistent with the Fort Lincoln Urban Renewal Plan. A complete discussion of the NCPC's comments and the Commission's response is set forth in Finding of Fact No. 8.

The Commission took final action to approve the modification and time extension requests on March 8, 2010.

FINDINGS OF FACT

1. The original PUD application, Z.C. Case No. 06-08, approved a 357-unit townhouse and townhouse condominium development consisting of three sizes of single-family townhouses (16-foot, 20-foot, and 24-foot-wide models) and "two-over-two" townhouse condominiums on approximately 23 acres of vacant land in Ward 5 and in the Fort Lincoln Urban Renewal Plan Area. The site plan approved in the original PUD application included a tot lot, a Mews Green, and a central Community Green that consisted of 1.18 acres of open space that is intended for non-organized, passive and active recreational use. The original PUD application also required that 30 workforce affordable housing units be targeted for sale to District of Columbia Public School ("DCPS") employees. Z.C. Order No. 06-08 became effective on November 23, 2007. (Exhibit 1.)

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2. On November 19, 2007, the Commission approved the Applicant's minor modification application (Z.C. Case No. 06-08A), which authorized the following changes to the approved plans:
- Changes to the footprints of the various unit sizes;
 - Flexibility to provide a "loft" option in the 16-foot, 20-foot, and 24-foot-wide townhomes;
 - Flexibility for the interior 24-foot-wide units to have the option of a detached garage, or a larger rear yard and a parking pad instead of the detached garage;
 - Flexibility for the 20-foot-wide units to have the option to convert the interior parking garage to living space; and
 - An increase to the maximum height of the 16-foot-wide units from 43 to 47 feet, an increase to the maximum height of the 20-foot-wide units from 42 to 47 feet, and an increase to the maximum height of the 24-foot-wide units from 40 to 42 feet.

The minor modification application modified the overall site plan to include differing townhome widths in the various strings of townhomes throughout the site. The minor modification application did not request any change in the approved PUD's: amenities package (including the amount of workforce housing); lot configuration; Low-Impact Development ("LID") components; Community Green and Mews Green; lot; or the total number of residential units. Z.C. Order No. 06-08A became effective on May 16, 2008. (Exhibit 1.)

3. On October 15, 2009, the Applicant submitted an application requesting approval of a modification of the approved PUD and an extension of the period of approval of the original PUD project, pursuant to its consent calendar provisions. The Applicant requested the following modifications to the project.
- A reduction in the total number of residential units from 357 units to 334 units. The 334 residential units will be allocated as follows: 91 sixteen-foot-wide townhouses; 103 twenty-foot-wide townhouses; 28 twenty-two and twenty-four foot-wide townhouses; and 112 two-over-two condominium units;
 - While the overall site plan proposed in this modification application maintains the general configuration approved in ZC Order No. 06-08A, the Applicant requests a return to the original PUD's design scheme of having consistent townhouse widths in each string of townhouses;
 - The total amount of green space proposed in this modification application is 396,628 square feet (39.5% of the Property), an increase of 64,938 square feet (6.7%) of greenspace from the originally approved PUD; and
 - The Applicant's time extension request seeks approval to develop the project in three phases. A building permit for the first phase of development, roughly the

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eastern third of the Property, will be applied for within one year of the date of approval of this modification application. A building permit for the second phase of development, the middle portion of the Property, will be applied for within three years of the date of approval of this modification application. A building permit for the third phase of development, the western third of the Property, will be applied for within five years of the date of approval of this modification application. Approval of this request requires the Commission to extend the time of validity of the original PUD order, which would otherwise expire November 23, 2009.

The proposed modifications do not impact the approved PUD's: amenities package (including the amount of workforce affordable housing); building heights (as approved in Z.C. Order No. 06-08A); Low-Impact Development ("LID") components; Community Green and Mews Green; or the tot lot. (Exhibit 1.)

4. At the Commission's November 9, 2009 public meeting, the Commission removed the minor modification request from its consent calendar, and instead set it down for a public hearing. The Commission noted that the hearing would be a limited scope hearing. The Commissioners requested specific information regarding the evolution of the plans from the initial approval to the second modification application and information on the need for the proposed phasing of the project and time period of approval. (Transcript of Z.C. Public Meeting, November 9, 2009, pp. 31-35.) The public hearing was subsequently scheduled for February 1, 2010.
5. In its January 22, 2009 report to the Zoning Commission, the Office of Planning ("OP") recommended approval of the PUD modification and time extension requests. OP concluded that the requested modifications and development phasing would be consistent with the intent of the previous approvals, Z.C. Order Nos. 06-08 and 06-08A, and not inconsistent with the Comprehensive Plan. The OP Report noted that "the applicant's phasing request is based on their assessment of the market's ability to absorb the number of rowhouses contained in this project. OP does not object to phasing on those grounds and notes that a project of this size would likely take a number of years to complete in any event."
6. At the February 1, 2010 public hearing, the Applicant provided testimony as to the need for the time extension request and the proposed phasing of the project. Will Collins, on behalf of the Applicant, noted that the proposed phasing plan allows the Applicant to develop the project and construct the project's infrastructure in a reasonable fashion, as well as react to current market conditions in terms of sales absorption. Mr. Collins noted that the project will now be internally financed with the help of Ryan Homes, the builder of the proposed townhomes, and no longer dependent on third party financing. Mr. Collins noted that in order for this project to proceed, it is critical that the cost of the infrastructure be absorbed in phases. The cost of the first phase of infrastructure is

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expected to be approximately \$4 million, the second phase is expected to be \$4 million, and the third phase is expected to be approximately \$8 million. Mr. Collins testified that based on current economic conditions, it would be too difficult to try and finance all of these infrastructure costs at one time. (Testimony of W. Collins, Transcript of February 1, 2010 Public Hearing, pp. 9-10, 18-20.)

7. Advisory Neighborhood Commission (“ANC”) ANC 5A did not take a formal position on the modification and time extension request application. The ANC Single Member District (“ANC/SMD”) Commissioner for ANC/SMD 5A12 submitted a letter in support of the modification application.
8. NCPC, in an action dated March 4, 2010 and forwarded to the Commission on March 8, 2010, commented that:
 - The proposed modification to the PUD for the Village at Washington Gateway in the Fort Lincoln Urban Renewal Area is not inconsistent with the Comprehensive Plan for the National Capital; and
 - The project is not consistent with the Fort Lincoln Urban Renewal Area (“PLAN”). The PLAN needs to be changed to address a land use discrepancy. A change would allow for the portion of the site that is currently identified as office/warehouse to be designated as residential. The District will need to submit this change according to D.C. Official Code § 2-1225.31, which sets forth the procedure for changing urban renewal plans. NCPC supports this change.

At the Commission’s March 8, 2010 public meeting, the Commission considered the NCPC comments. The Commission noted that NCPC’s comment that the application was not inconsistent with the Comprehensive Plan favored approval of the application. With respect to NCPC’s comment that the project is not consistent with the PLAN, and that the PLAN needs to be changed to address a land-use discrepancy, the Commission noted that it lacked the authority to modify the PLAN. Only the District’s Mayor, with the consent of the Council, has the authority to make such a modification.

9. At the March 8, 2010 public meeting, the Commission voted to approve the PUD modification application.

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CONCLUSIONS OF LAW

The Commission notes that the reduction in the overall number of units is primarily the result of the reduction in the number of two-over-two condominium units (a reduction of 62 of these units). The Commission relies on the Applicant's belief that the reduced number of two-over-two units is more appropriate given the expected market demand for this type of unit. The Commission notes that the total amount of greenspace proposed in this modification application is greater than the amount of greenspace approved in the original PUD.

Upon consideration of the record of this application, the Commission concludes that the Applicant's proposed modifications to the approved plans are consistent with the intent of the previous PUD approvals made in Z.C. Order Nos. 06-08 and 06-08A. The Commission concludes that the proposed modifications are in the best interest of the District of Columbia and are consistent with the intent and purpose of the Zoning Regulations and Zoning Act. The approval of the modifications are not inconsistent with the Comprehensive Plan.

The Commission may extend the time period of an approved PUD provided the requirements of 11 DCMR §§ 2408.10 and 2408.11 are satisfied. Section 2408.10(a) requires that the applicant serve the extension request on all parties and that all parties are allowed 30 days to respond. The Applicant served the only party to the original PUD application, ANC 5A, when it filed the PUD modification and time extension application on October 15, 2009. ANC 5A has had more than 30 days to respond to this application. Section 2408.10(b) requires that the Commission find that there is no substantial change in any of the material facts upon which the Commission based its original approval of the PUD that would undermine the Commission's justification for approving the original PUD. As noted above, the Commission finds that approval of the proposed modifications to the approved plans are consistent with the intent of the previous PUD approvals made in Z.C. Order Nos. 06-08 and 06-08A. The Commission similarly concludes that extending the time period of approval is appropriate, as there are no substantial changes in the material facts that the Commission relied on in approving the original PUD application. Finally, § 2408.10(c) requires that the applicant demonstrate with substantial evidence that there is a good cause for the proposed extension, as provided in § 2408.11. The Applicant's satisfaction of § 2408.11 is addressed in the following paragraph.

Pursuant to § 2408.11, an extension of validity of a PUD may be granted if the applicant has demonstrated with substantial evidence one or more of the following criteria:

- (a) An inability to obtain sufficient project financing for the PUD, following an applicant's diligent good faith efforts to obtain such financing because of changes in economic and market conditions beyond the applicant's reasonable control;
- (b) An inability to secure all required governmental agency approvals for a PUD by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or

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- (c) The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the PUD order.

After making diligent efforts, the Applicant was unable to obtain financing for the entire project and therefore needs to reconfigure the project to obtain financing in increments. The need to proceed with the project in phases meant that the Applicant could not apply for a building permit based upon the original order, and needed the Commission's approval of the phasing proposed. The Commission also finds the testimony of the Applicant's representative, and the report of OP, persuasive that the proposed time extension and phasing plan is necessary to allow the housing market to adequately absorb the large number of residential units proposed in this project. For these reasons, the Commission finds that the Applicant has satisfied the requirements of 11 DCMR § 2408.11(a).

The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (DC Law 8-163, D.C. Official Code § 6-623.04), to give great weight to OP recommendations (as discussed in paragraph 5 above). OP recommended approval of the modification and time extension request and the Commission concurs in its recommendation.

DECISION

In consideration of the above Findings of Fact and Conclusions of Law contained in this order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of this application for a time extension and modification of the approved PUD project in Z.C. Order Nos. 06-08 and 06-08A. The approval of this modification is subject to the following guidelines, conditions, and standards, which supersede those listed in Z.C. Order No. 06-08A:

1. The PUD project shall be developed in accordance with the plans and materials submitted by the Applicant marked as Exhibits 22, 35, and 42 of the record in Z.C. Case No. 06-08, as modified by the plans and materials submitted by the Applicant marked as Exhibit 1 of Z.C. Case No. 06-08B.
2. The interior 22- and 24-foot-wide townhouse units will have the option of a detached garage or a larger rear yard and a parking pad.
3. All other provisions and conditions of Z.C. Order 06-08 remain in effect.

In addition, the PUD Project shall be subject to the following timing and phasing terms, which replace Condition 13 of the Z.C. Order No. 06-08:

13. The Applicant shall file a building permit application for the first phase of development within one year of the date of approval of this Order. Construction of the first phase shall start within two years of the date of approval of this Order. A building permit for the

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second phase of development shall be applied for within three years of the date of approval of this Order. Construction of the second phase shall start within four years of the date of approval of this Order. A building permit for the third phase of development shall be applied for within five years of the date of approval of this Order. Construction of the third phase shall start within six years of the date of approval of this Order.

On March 8, 2010, upon motion by the Chairman, as seconded by Commissioner Schlater, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, William W. Keating, III, Konrad W. Schlater, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of 11 DCMR 3028.29, this Order shall become final and effective upon publication in the *D.C. Register* on April 30, 2010.