

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, June 24, 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, June 21, 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, June 21, 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

**D.C. CHILDREN AND YOUTH INVESTMENT TRUST CORPORATION
NOTICE OF FUNDING AVAILABILITY
Fiscal Year 2011 Out of School Time Programs**

Notice: ATTENDANCE AT A GRANTS TECHNICAL ASSISTANCE SESSION AND SUBMISSION OF A NOTICE OF INTENT TO APPLY IS REQUIRED IN ORDER TO BE ELIGIBLE TO APPLY FOR THIS GRANT.

Summary: The DC Children and Youth Investment Trust Corporation (The Trust) is a public-private partnership chartered by the District to help a wide variety of organizations improve the quality, quantity and accessibility of services and opportunities for every child in the city. The Trust works to increase resources and invest in the people, programs, and systems that serve children, youth, and their families in the District of Columbia.

The Trust announces the availability of a funding opportunity and invites qualified applicants to submit proposals to provide high quality out-of-school time programs to children and youth ages 5 – 24 in the District of Columbia during Fiscal Year 2011. Specifically, the Trust seeks to support programs during the school year that will provide purposeful and developmentally appropriate programs to help the District's children and youth meet developmental outcomes.

Funded organizations become partners in the Trust's philosophy of investment, which includes:

Encouraging Innovation

The Trust supports and encourages new programming and organizations that will provide fresh approaches in youth development.

Investing in Promising Communities

The Trust recognizes and supports revitalization efforts in various communities to provide structure, support and opportunities for youth in these changing environments.

Supporting Proven Success and Sustainability

The Trust supports programs with a proven track record of success; and, institutes sustainability efforts to ensure viable programs continue to operate and thrive.

Applicants may propose to operate in community-based, DCPS or DPR facilities. Applicants may submit no more than two (2) proposals in response to this RFP.

Criteria for eligible applicants:

- Must have 501(c)(3) tax-exempt status, been incorporated to operate in the District of Columbia, and providing direct services since no later than October 1, 2008
- Must be organized under the District of Columbia Non-profit Corporation Act (DC Code, sec.29-501 et seq.)

- Must be a community-based organization, defined as: non-profit agency with a board of directors that is reflective of the community of population served
- Organization's primary vision and program focus must be serving children, youth and/or families within the District of Columbia
- Organization must be in good financial standing with the DC Office of Tax and Revenue and the Internal Revenue Service, as well as follow all appropriate charitable financial reporting standards
- Organizations seeking to operate in a DCPS facility must be approved by DCPS through their vetting process described on their websites
- For collaborative applications, one organization must act as the lead agency. That organization must meet all criteria listed above and accept fiduciary, reporting and programming oversight responsibility for the application and grant
- 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 members, 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 proposal guidelines and instructions.

The Request for Proposal (RFP) will be released on **May 19, 2010**. The RFP will be available for download on the Trust's website at www.cyitc.org. **The deadline for submission to the Trust is June 18, 2009 at 4:00pm.**

The Trust will hold three Grant Technical Assistance (GTA) Sessions. In order to be eligible for this grant, attendance at one of the GTA sessions is **mandatory** for all applicants. The Trust requests that you send only one staff representative to a GTA session. The sessions will convene on the following dates at these locations:

Wednesday, June 2, 2010 at 10:00am-12:00pm

THEARC
1901 Mississippi Avenue, SE
Washington, DC 20020

Monday, June 7th at 10:00am-12:00pm

Columbia Heights Youth Club
1480 Girard Street, NW
Washington, DC 20009

Wednesday, June 9th 6:00pm-8:00pm

Thurgood Marshall Academy

2427 Martin Luther King, Jr. Avenue, SE
Washington, DC 20020

Prospective applicants must submit a Notice of Intent to Apply to the Trust. The Notice of Intent to Apply form will be available on the Trust's website, www.cyitc.org, and must be electronically returned to the Trust (rfp@cyitc.org) by **Wednesday, June 9, 2010**. Submittal of the Notice of Intent to Apply does not commit an agency to apply. However, failure to submit a Notice of Intent to Apply by this deadline will disqualify an applicant. Any supplemental written information related to this RFP will be provided only to those organizations that have filed a Notice of Intent to Apply.

Questions regarding the RFP must be submitted in person at the Grant Technical Assistance Sessions or via e-mail at rfp@cyitc.org on or before **Wednesday, June 9, 2010 at 4:00 p.m.** All written questions concerning this RFP will be posted on the Trust's website at www.cyitc.org. If you have any additional inquiries, please contact Jordan Spooner, Program Officer, at (202) 478-3879 or via email at rfp@cyitc.org.

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
May 6, 2010	1118 48th Street, NE	68	5156	2-story single family development
May 6, 2010	1119 48th Street, NE	806	5158	2-story wood frame building
May 7, 2010	705 Anacostia Avenue, NE	804	5040	3-story apartment building
May 7, 2010	711 Anacostia Avenue, NE	804	5040	3-story apartment building
May 7, 2010	712 Anacostia Avenue, NE	28	Par 017 000 28	3-story apartment building
May 7, 2010	715 Anacostia Avenue, NE	804	5040	3-story apartment building
May 7, 2010	721 Anacostia Avenue, NE	804	5040	3-story apartment building
May 12, 2010	2008 G Street, NW	820	103	3-story single family development
May 12, 2010	216 Morgan Street, NW	81	555	2-story single family development
May 12, 2010	218 Morgan Street, NW	80	555	2-story single family development

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

NOTICE OF FUNDS AVAILABILITY

Green Faith-Based Initiative

The District Department of Environment (DDOE) is soliciting applications to implement a Green Faith Initiative (GFI) to provide training and education in energy conservation to the District's faith-based community. This Request for Applications (RFA) is RFA #2010-ARRA-SEP-GRNFTH.

The primary function of the "Green Faith Initiative" is to reach out to the District's numerous faith-based institutions and places of worship with energy efficiency workshops and other educational programs focusing on the benefits of energy conservation and operating in a sustainable manner. The project will also educate faith-based institutions on availability of free energy audits and other incentives and services that may be available from DDOE and other sources. The target audience includes the diverse mixture of District-wide faith-based institutions. These efforts will benefit the faith-based institution and their members by providing the tools to assess energy performance of their facilities and begin to employ energy reduction measures, reducing overhead costs and worshipping in an environment that promotes the well-being of not only its parishioners, but the community as a whole.

This project will be funded by DDOE using federal American Recovery and Reinvestment Act (ARRA) funds provided by the US Department of Energy's (USDOE) State Energy Program (SEP). The maximum grant period will run from the date of full execution of a Sub-Grant Agreement through March 31, 2012, unless terminated earlier as set forth herein. However, DDOE anticipates awarding the subgrant as soon as possible with work beginning in the Summer of 2010 and extending as long as the funding will allow. In addition to the USDOE and District reporting requirements, the Sub-Recipient shall comply with all ARRA requirements.

Length of Awards: Grant award will be made for a period of approximately 18 months (ending no later than March 31, 2012), pending funding availability, and the successful implementation of the proposed program.

Available Funding for Awards: Subject to the availability of funds, up to fifty thousand dollars (\$50,000) in ARRA SEP funding may be available for this project.

Anticipated number of awards: One (1).

The Request for Applications (RFA) #2010-ARRA-SEP-GRNFTH will be released on May 21, 2010 and the **deadline for submission is Friday, June 11, 2010 at 5:00 p.m.** The RFA will be available on DDOE's website, www.green.dc.gov, or by contacting the DDOE contact identified below.

DDOE will select a panel to review all applications. The review panel will review, score and rank each applicant's proposal. When the review panel has completed its review, the panel shall

make recommendations for awards based on the scoring process. DDOE will make the final decisions. DDOE reserves the right to reject all grant applications or to reissue the RFA.

For additional information regarding this competition, please contact Mr. Charles T. Satterfield, II, Energy Program Specialist, at the address below or charles.satterfield@dc.gov:

Charles T. Satterfield, II
Energy Program Specialist
District Department of Environment
1200 First Street, NE, 5th Floor
Washington, DC 20002
(202) 671-1744

FRIENDSHIP PUBLIC CHARTER SCHOOL**NOTICE OF REQUEST FOR PROPOSAL****WIRELESS NETWORK FOR INTERNET ACCESS****Blow Pierce, Chamberlain, Collegiate and Woodridge Campus Academy's**

Friendship Public Charter School is seeking bids from prospective candidates to provide wireless internet access 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 via e-mail from Valerie Holmes at yholmes@friendshipschools.org call 202-281-1722

**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 May 27, 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.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF PARKS AND RECREATION**

NOTICE OF APPLICATION

Notice is hereby given that, pursuant to the authority set forth in § 9a D.C. Law 3-30; D.C. Official Code § 8-1808.01 (2006 Supp.), and Chapter 7 of Title 19 (Amusements, Parks and Recreation) of the District of Columbia Municipal Regulations, Section 730-735, dated December 7, 2007, that the District Department of Parks and Recreation is reviewing an application for a dog exercise area at Francis Field, located at 25th and N Streets, NW (Reservation 639).

The proposed application seeks to install and operate a 7,500 square-foot off-leash dog at Francis Field. The proposed site is located in between the soccer field and the pool house. Interested parties wishing to review the application can review the application in-person at the District Department of Parks and Recreation headquarters at 3149 16th Street, NW, 1st floor. The application is also available at:
<http://dpr.dc.gov/dpr/cwp/view,a,1239,q,639761.asp>.

Interested persons may submit written comments within thirty (30) days of publication of this notice. The written comments must include the person's name, telephone number, affiliation, if any, mailing address, and statement outlining the issues in dispute or support surrounding the implementation of a dog park. All relevant comments will be considered in reviewing the dog park application. **Written comments postmarked after June 21, 2010 will not be accepted.**

Address written comments to:

Office of Planning & Capital Projects
District Department of Parks and Recreation
Attn: Dog Park Comments – Francis Field
3149 16th Street, NW
Washington, DC 20009

For more information, please call (202) 673-7647.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF PARKS AND RECREATION**

NOTICE OF APPLICATION

Notice is hereby given that, pursuant to the authority set forth in § 9a D.C. Law 3-30; D.C. Official Code § 8-1808.01 (2006 Supp.), and Chapter 7 of Title 19 (Amusements, Parks and Recreation) of the District of Columbia Municipal Regulations, Section 730-735, dated December 7, 2007, that the District Department of Parks and Recreation is reviewing an application for a dog park at the site of the former Gage-Eckington School at 2nd, 4th, Elm and V Streets, NE (Square 3082; Lot 8026).

The proposed application seeks to install and operate a 5,000-8,000 square-foot dog park at the former Gage-Eckington School. The Office of the Deputy Mayor for Planning and Economic Development is building a new park on this property. The proposed site for the dog park is located in the northeast corner of the property, near the corner of 2nd and V Streets, NE. Interested parties wishing to review the application can review the application in-person at the District Department of Parks and Recreation headquarters at 3149 16th Street, NW, 1st floor or at: <http://dpr.dc.gov/dpr/cwp/view,a,1239,q,639761.asp>.

Interested persons may submit written comments within thirty (30) days of publication of this notice. The written comments must include the person's name, telephone number, affiliation, if any, mailing address, and statement outlining the issues in dispute or support surrounding the implementation of a dog park. All relevant comments will be considered in reviewing the dog park application. **Written comments postmarked after June 21, 2010 will not be accepted.**

Address written comments to:

Office of Planning & Capital Projects
District Department of Parks and Recreation
Attn: Dog Park Comments – Gage Eckington
3149 16th Street, NW
Washington, DC 20009

For more information, please call (202) 673-7647.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF PARKS AND RECREATION**

NOTICE OF APPLICATION

Notice is hereby given that, pursuant to the authority set forth in § 9a D.C. Law 3-30; D.C. Official Code § 8-1808.01 (2006 Supp.), and Chapter 7 of Title 19 (Amusements, Parks and Recreation) of the District of Columbia Municipal Regulations, Section 730-735, dated December 7, 2007, that the District Department of Parks and Recreation is reviewing an application for a dog park at Virginia Avenue Park, located on Potomac Avenue, SE between 9th and 11th Streets, SE (Reservation 126). The northern border to the park is Interstate 295N.

The proposed application seeks to install and operate an approximately 10,000 square-foot dog park on the east side of Virginia Avenue Park between Potomac Avenue, SE and Interstate 295N. Interested parties wishing to review the application can review the application in-person at the District Department of Parks and Recreation headquarters at 3149 16th Street, NW, 1st floor or at: <http://dpr.dc.gov/dpr/cwp/view,a,1239,q,639761.asp>.

Interested persons may submit written comments within thirty (30) days of publication of this notice. The written comments must include the person's name, telephone number, affiliation, if any, mailing address, and statement outlining the issues in dispute or support surrounding the implementation of a dog park. All relevant comments will be considered in reviewing the dog park application. **Written comments postmarked after June 21, 2010 will not be accepted.**

Address written comments to:

Office of Planning & Capital Projects
District Department of Parks and Recreation
Attn: Dog Park Comments – Virginia Avenue
3149 16th Street, NW
Washington, DC 20009

For more information, please call (202) 673-7647.

**POTOMAC LIGHTHOUSE PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS**

May 12, 2010

Charter Facilities Management, LLC on behalf of Lighthouse Academies, Inc. and its charter school, the Potomac Lighthouse Public Charter School, are seeking competitive proposals to provide special education services, including psychological/social work, occupational and physical therapy, and speech therapy, for the 2010- 2011 school year.

All sealed proposals shall be forwarded to the address listed below:

Attn: Mel Harper
Charter Facilities Management
1661 Worcester Road, Suite 103
Framingham, MA 01701
Phone: 508-626-0904 ext. 103
Fax: 508-626-0944
mharper@charterfacilities.org

Sealed proposals shall be received no later than June 1, 2010, by 1:00 PM ET

Sealed proposals shall be submitted according to the specifications enclosed herein. In addition all sealed proposals shall be submitted in a sealed envelope marked as: PLPCS Special Education Proposal 2010-2011. Indicate the firm name on the envelope. Included with the hard-copy proposals shall be an electronic copy of the proposal.

Late and/ or faxed proposals will not be accepted

Charter Facilities Management, LLC reserves the right to reject any and all proposals without limitation. Charter Facilities Management reserves the right to award a contract as it determines to be in the best interest of Lighthouse Academies, Inc. and its public charter school. To acquire a copy of the proposal specification, please contact Mel Harper at the above phone number or e-mail address.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**NOTICE OF PUBLIC MEETING ON THE
ANACOSTIA RIVER PROJECTS**

Please join the District of Columbia Water and Sewer Authority (DC WASA) at a public meeting to provide comment on DC WASA's plans to reduce combined sewer overflows (CSOs) to the Anacostia River and the draft Environmental Assessment (EA) documenting the environmental impacts of our work.

DC WASA WANTS TO HEAR FROM YOU!**THURSDAY, MAY 27, 2010****6:00 - 8:00 p.m.****WATKINS ELEMENTARY SCHOOL****420 12TH Street, SE****Washington, DC**

Accessible via Potomac Avenue Metro (Blue/Orange); Metrobus: 32, 34, 36, A11

For more information: visit www.dcwasa.com. Click on What We Do, Project Initiatives and then click on Long Term Control Plan.

You may access the EA at: <http://parkplanning.nps.gov/ANAC> or http://www.dcwasa.com/workzones/projects/anacostia_tunnel.cfm

Hard copies of the EA will be available at the following DC Public Library locations:

Martin Luther King, Jr. Library

901 G Street, NW

Capitol View Library

5001 Central Avenue, SE

Mount Pleasant Interim Library

3162 Mt. Pleasant Street, NW

Northeast Library

330 7th Street, NE

Southeast Library

403 7th Street, SE

Tenley Friendship Library

4200 Wisconsin Avenue, NW

Washington Highlands Interim Library

4037 South Capitol Street, SW

Woodridge Library

1801 Hamlin Street, NE

If you are unable to attend the meeting and have further questions, or would like to comment on the project, contact Nadia Perry-Lee at (202) 787-2293 or Email csotunnels@dcwasa.com.

Serving the Public • Protecting the Environment

YOUTHBUILD PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Real Estate Development & Project Management Services**

The YouthBuild Public Charter School (YBPCS) seeks proposals from firms to provide general contracting services for YBPCS's redevelopment of the J.F. Cook School into a second campus for YBPCS.

The selected firm will be required to provide all aspects of general contracting services including but not limited to: developing and managing project construction budgets, developing and managing project construction schedule, providing predevelopment services, providing project management and construction advice, etc. A full description of the project and requested services is provided in the Request for Proposals.

Interested parties should contact YBPCS's project manager for a copy of the RFP: Katie Groen at kgroen@sheridanventuresllc.com.

Per the RFP, initial qualifications materials are due Tuesday, June 2 by 5 pm EST.

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

Application No. 17972-A of the Kingdom of Sweden by the National Property Board Sweden, on behalf of the Embassy of Iceland, pursuant to 11 DCMR § 1002, and § 206 of the Foreign Missions Act, 22 U.S.C. § 4306, to locate a chancery in excess of the permitted non-residential 2.0 floor area ratio limitation of § 931.3, in the W-2 District at premises 2900 K Street, N.W. (Square 1171, Part of Lot 82, including Lots 814, 7001 and 7002).

REVISED¹ NOTICE OF FINAL RULEMAKING

and

DETERMINATION AND ORDER

The Board of Zoning Adjustment (“BZA”), pursuant to the authority set forth in § 206 of the Foreign Missions Act, approved August 24, 1982 (96 Stat. 283; D.C. Official Code, § 6-1306) (2001), and Chapter 10 of the Zoning Regulations of the District of Columbia, 11 DCMR, hereby gives notice of the adoption of its determination not to disapprove the application of the Kingdom of Sweden by the National Property Board of Sweden, on behalf of the Embassy of Iceland, to locate a chancery in excess of the permitted 2.0 floor area ratio limitation on non-residential uses at premises 2900 K Street, N.W. (Square 1171, Part of Lot 82, including Lots 814, 7001 and 7002).

Procedural Background

On May 15, 2009, the Applicant filed a chancery application with the BZA requesting that the BZA not disapprove the application. Pursuant to 11 DCMR § 3134.7, the application was accompanied by a letter from the United States Department of State, dated May 13, 2009, certifying that the Applicant had complied with Section 205 of the Foreign Missions Act (“FMA”) (22 USC § 4305)(D.C. Official Code § 6-1305) and that the application could be submitted to the BZA.

On May 18, 2009, the Office of Zoning provided notice of the filing of the application to the Department of State. On May 19, 2009, the Office of Zoning provided notice of the filing of the application to the District of Columbia Office of Planning (“OP”); Advisory Neighborhood Commission (“ANC”) 2E, the ANC for the area within which the subject property is located; the ANC Commissioner for the affected Single Member District; the Ward 2 Councilmember; the District of Columbia Department of Transportation; the U.S. Commission of Fine Arts; and the

¹ This Notice has been revised to eliminate the last paragraph of the BZA’s discussion of the Historic Preservation factor, which had appeared at the top of page 5. The subject matter of the paragraph was not discussed by the BZA during its deliberation of this application.

BZA APPLICATION NO. 17972-A
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District of Columbia Historic Preservation Office.

Notice of the filing of the application and notice of the proposed rulemaking were published in the *D.C. Register* on May 29, 2009 and June 5, 2009 (56 DCR 252 and 56 DCR 4412, respectively). In accordance with the Zoning Regulations, the BZA provided written notice to the public more than 40 days in advance of the public hearing. 11 DCMR §§ 3113.13 and 3149.9(c). Therefore, in compliance with the D.C. Administrative Procedure Act (D.C. Official Code §§ 2-501, *et seq.*), the BZA also provided more than 30 days' written notice to the public.

The Office of Zoning subsequently scheduled a public hearing on the application for September 1, 2009, and provided notice of the hearing by mailing a copy of the notice of hearing on June 3, 2009 to the Applicant, to ANC 2E, and to all owners of property within 200 feet of the subject property. Notice of the hearing was also published in the *D.C. Register* on June 5, 2009 (56 DCR 4337), and posted in the Office of Zoning. In addition, on August 10, 2009, the Applicant posted notice on the property in plain view of the public in accordance with 11 DCMR § 3113. The notice given to the public complied with the requirements of 11 DCMR § 3134.9.

The Subject Property

The property that is the subject of the application is located at 2900 K Street, N.W. and is known as Square 1171, Part of Lot 82, including Lots 814, 7001 and 7002. The property is in the W-2 zone district, as well as the Old Georgetown Historic District. The property is bounded by Rock Creek on the east, 30th Street on the west, National Park Service property and the Potomac River on the south, and the Whitehurst Freeway on the north.

The building on the site was constructed in 2005 as a matter of right, in compliance with all applicable D.C. Zoning Regulations. The building has two separate "towers", both of which have an address of 2900 K Street, N.W. The south "tower," known as House of Sweden, and located on Tax Lot 814, is a four-story building, with one below-grade level. House of Sweden is occupied by the chancery of the Kingdom of Sweden on a portion of the first and all of the second floors, (Air Rights Lot 7001) with commercial conference, meeting, function and exhibit space on the lower level and first floor. The top two floors (Air Rights Lot 7002) contain a mix of office and residential uses. The north "tower" (Condominium Lots 2001 through 2012) is a five-story building. The lower level and floors one through four are devoted to office use. The fifth floor contains primarily residential use, and also includes the chancery of the Embassy of Liechtenstein. There is a one-level parking garage for the building, located beneath both towers, which is accessed at grade from the north tower.

The property contains 61,260 square feet of land area. The W-2 zone permits a maximum FAR of 4.0, of which up to 2.0 FAR may be devoted to non-residential uses. The two towers together currently contain 122,219 square feet of gross floor area devoted to office use (2.0 FAR), and 54,243 square feet of gross floor area devoted to residential use (0.88 FAR).

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The Applicant's Proposal

The Chancery Office of the Embassy of Iceland will occupy Unit 509 in House of Sweden. The adjacent Unit 508 will be occupied as the residence of the Deputy Chief of Mission. That residential use does not require review by the BZA. Unit 509 contains 2,742 square feet of gross floor area (the total is 3,225 square feet including common space allocated to Unit 509 in the hallway and lobby). With this occupancy, the total non-residential FAR will be 2.05, which is 0.05 FAR greater than the maximum non-residential use permitted in a W-2 District pursuant to 11 DCMR § 931.3. A chancery is permitted as a matter of right in a W-2 Zone, and in other mixed-use commercial zones, subject to compliance with all matter-of-right area limitations. When an otherwise matter-of-right chancery will not comply with such area requirements, its location or expansion becomes subject to BZA review. See Application No. 16206 (Embassy of the Kyrgyz Republic); Application No. 15494 (Royal Embassy of Thailand), and Application No. 14794 (Embassy of Spain). However, the BZA does not undertake the analysis set forth in the Zoning Act and Regulations for granting area relief, but instead applies only the six factors stated in FMA § 406(d); D.C. Official Code § 6-1306(d). See e.g. *Embassy of the People's Republic of Benin v. District of Columbia Bd. of Zoning Adjustment*, 534 A.2d 310, 318 (D.C.,1987) (FMA is the exclusive procedure available to a matter-of-right chancery to obtain a special exception for construction of a radio tower and antenna).

The Hearing

The Embassy of Iceland's Deputy Chief of Mission testified that the chancery currently includes a staff of four diplomats and three non-diplomatic staff. There is an average of five to seven visitors to the Embassy on a daily basis, including deliveries, but this number could vary widely in any given month. He explained that most business is conducted by telephone, e-mail and other correspondence. He stated that parking for one diplomatic vehicle will be provided in the parking garage beneath the building, and that the Embassy intends to rent spaces for up to four vehicles (depending upon the needs of the Chancery) in the public parking garage at the corner of 30th and K Streets, N.W., adjacent to the north tower. The Circulator Bus, and seven Metrobus routes, run along M Street, N.W. The site is also well served by taxi cabs and is within a short walking distance from the Foggy Bottom/GWU Metrorail Station. The meeting facilities and function space in the lower level of House of Sweden will be available to the Embassy of Iceland for meetings and functions, if desired. The Embassy will place its official seal on the north façade of the building, adjacent to the official seal of the Embassy of Sweden.

The Department of State submitted a favorable report on the application, dated July 17, 2009. The Office of Planning submitted a report on August 25, 2009, recommending that the Board of Zoning Adjustment not disapprove the application. The Office of Planning report also noted that the location of the official seal on the north façade of the south tower is subject to review by the Commission of Fine Arts and the D.C. Historic Preservation Review Board. By letter dated July 8, 2009, Advisory Neighborhood Commission 2E reported to the Board of Zoning Adjustment that it voted to recommend approval of the application. No reports were received from the

**BZA APPLICATION NO. 17972-A
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District of Columbia Department of Transportation, the U.S. Commission of Fine Arts, or the District of Columbia Historic Preservation Office.

Evaluation of the Application

Subsection 406(d) of the Foreign Missions Act, D.C. Official Code § 6-1306(d) directs the BZA to consider six factors when analyzing a chancery application. For certain of these factors, the provision also indicates who is to make the relevant finding. These six factors are:

1. The international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital

As recommended by the Secretary of State and the Office of Planning, the BZA finds that favorable action on the application will fulfill the international obligation of the United States to facilitate the acquisition of adequate and secure premises by the Government of Iceland for its diplomatic mission in the Nation's Capital.

2. Historic preservation, as determined by the Board of Zoning Adjustment in carrying out this section; and in order to ensure compatibility with historic landmarks and districts, substantial compliance with District of Columbia and Federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks.

The location of the chancery will include the alteration of a building that is located in the Old Georgetown Historic District, but is not a landmark. Indeed, the building was constructed just a few years ago. Subsection 406 (d)(2) of the Foreign Missions Act, D.C. Official Code § 6-1306 (d)(2) only requires substantial compliance with District and federal regulations governing historic preservation laws “with respect to *new construction and to demolition of or alteration to historic landmarks.*” The Applicant will not be undertaking new construction, nor will it be altering a landmark. Therefore, this portion of the factor is not relevant to the BZA’s decision.

Even though the alteration of a non-landmarked building in a historic district is not specifically mentioned in the factor, the BZA believes that the compatibility of such alterations should be considered. The BZA finds that no incompatibility with the Old Georgetown Historic District will result from the alteration. The exterior of the existing building already includes the official seal of the Embassy of Sweden. The proposed alteration would only add another similarly-sized seal on the building’s north face.

3. The adequacy of off-street or other parking and the extent to which the area will be served by public transportation to reduce parking requirements, subject to such special security requirements as may be determined by the Secretary of State, after consultation with Federal agencies authorized to perform protective services

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The BZA finds that the Embassy of Iceland's proposal to provide parking for one diplomatic vehicle will be sufficient for the Embassy's use. Additionally, there is a public parking garage immediately north of the north tower, where the National Property Board has an option to lease up to 24 parking spaces. The Embassy also intends to rent spaces for up to four vehicles (depending upon the needs of the Chancery) in that public parking garage. The building is a short walking distance from the Foggy Bottom/GWU Metrorail Station, and is in close proximity to the Circulator Bus and Metrobus Routes along M Street in Georgetown. In addition, there is a taxi stand at Washington Harbour, located across 30th Street from the building. There is metered parking along K Street, as well as along 30th Street to the north of K Street, plus a metered parking lot across Rock Creek from the site, and a number of privately-owned parking facilities within two blocks of the site.

Furthermore, the Secretary of State has not recommended any special security requirements related to parking, as indicated in the letter from the Department of State (Exhibit 30) and the testimony of Richard Massey, Office Director in the Office of Foreign Missions at the Department of State. (Hearing Transcript, p. 23).

4. The extent to which the area is capable of being adequately protected, as determined by the Secretary of State, after consultation with Federal agencies authorized to perform protective services

After consultation with Federal agencies authorized to perform protective services, the Secretary of State has determined that the subject property and area are capable of being adequately protected. (Letter from the Department of State, Exhibit 30).

5. The municipal interest, as determined by the Mayor

The Director of the Office of Planning, on behalf of the Mayor of the District of Columbia, has determined that favorable action on this application is in the municipal interest and is consistent with the Comprehensive Plan. (OP Report, Exhibit 33).

6. The Federal interest, as determined by the Secretary of State

The Secretary of State has determined that a favorable decision on this application would serve the Federal interest. Both the national and municipal governments of Iceland have assisted with the zoning and land use needs of the U.S. Embassy in Reykjavik. (Letter from the Department of State, Exhibit 30).

Having considered the above factors, it is hereby **ORDERED** that this application is **NOT DISAPPROVED**.

Vote of the Board of Zoning Adjustment taken at its public meeting on September 1, 2009, not to disapprove the application.

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VOTE: 4-0-1 (Marc D. Loud, Meridith H. Moldenhauer, Peter G. May, and Marcel A. Acosta to not disapprove; No other Board members participating)

BY THE D.C. BOARD OF ZONING ADJUSTMENT

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

FINAL DATE OF ORDER: NOVEMBER 13, 2009

FINAL DATE OF REVISED ORDER: MAY 14, 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.

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

Application No. 17978 of Diana Embrey, pursuant to 11 DCMR § 3104.1, for a special exception to construct a new accessory garage under section 223, not meeting the lot occupancy requirements (section 403), in the R-4 District at premises 612 A Street, N.E. (Square 867, Lot 98).

HEARING DATES: October 20, 2009, February 23, 2010, and May 11, 2010¹

DECISION DATE: May 11, 2010

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 4).

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (ANC) 6C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. The ANC voted 9-0-0 at a duly-noticed, regularly-scheduled meeting on April 14, 2010 to support the application which had been modified to address concerns raised by the abutting neighbors. The ANC submitted a timely report for the record.² (Exhibit 26). OP submitted a timely report recommending approval of the application. (Exhibit 29). Letters of concern were filed by two neighbors. (Exhibits 23 and 28). Letters of support were filed by two sets of neighbors. (Exhibit 8).

¹ The scheduled hearing was postponed twice before the application was heard on May 11, 2010.

² During Capitol Hill Restoration Society (CHRS) and ANC consideration of the case on January 14 and February 3, 2010, respectively, owners of the abutting properties raised concerns. To allow the Applicant an opportunity to resolve any differences with these neighbors, the ANC voted to recommend that the Applicant request a delay, which she did and the Board granted. (Exhibits 24, 25, and 29). After negotiation with the neighbors, the Applicant modified her plans so that the depth of the garage would be three feet from the front of the garage at 614 A Street, N.E.; the structural integrity of the adjoining garages would be preserved; the construction would avoid damaging the neighbor's magnolia tree; and the construction plans would ensure appropriate drainage of the neighboring structures. The Applicant obtained signed letters from the affected neighbors in support of the modified plans. (Exhibit 28, attachment 3). The ANC cited this support in its report. (Exhibit 26).

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As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 223, not meeting the lot occupancy requirements under section 403. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit 28 – Revised Plans) be **GRANTED**.

VOTE: 3-0-2 (Meridith H. Moldenhauer, Nicole C. Sorg, Michael G. Turnbull, to APPROVE; no other Board members participating, nor voting.)

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

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

FINAL DATE OF ORDER: May 17, 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

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STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

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

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

Application No. 18049 of the Republic of Trinidad and Tobago, pursuant to 11 DCMR §§ 1001 and 1002, and § 4306 of the Foreign Missions Act, to permit the expansion of an existing chancery use in the DC/SP-1 District at premises 1714 Massachusetts Avenue, N.W. (Square 158, Lot 834).

NOTICE OF FINAL RULEMAKING

and

DETERMINATION AND ORDER

The Board of Zoning Adjustment (“Board”), pursuant to the authority set forth in § 206 of the Foreign Missions Act, approved August 24, 1982 (96 Stat. 283; D.C. Official Code, § 6-1306) (2008 Repl.), and Chapter 10 of the Zoning Regulations of the District of Columbia, 11 DCMR, and after having held a public hearing, hereby gives notice of the adoption of its determination to not disapprove the application of the Republic of Trinidad and Tobago to permit the expansion of an existing chancery use into premises at 1714 Massachusetts Avenue, N.W.

Specifically, as a result of this determination, the applicant will be permitted to expand its existing chancery use, currently located at 1708 Massachusetts Avenue, into the adjacent building, at 1714 Massachusetts Avenue, located in Square 158, Lot 834, as described in the record.

A notice of proposed rulemaking was published in the January 29, 2010 edition of the *D.C. Register* (57 DCR 1082). No comments were received in response.

Pursuant to § 206(d) of the Foreign Missions Act, D.C. Official Code § 6-1306(d), the Board’s consideration of chancery applications is based exclusively upon the six factors delineated in that provision. For certain of these factors, the provision also indicates who is to make the relevant finding. Those factors and the relevant findings are as follows:

1. The international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital

As recommended by the Secretary of State and the Office of Planning, the Board finds that favorable action on the application will fulfill the international obligation of the United States to facilitate the acquisition of adequate and secure premises by the Government of Trinidad and Tobago for its diplomatic mission in the Nation's Capital. Exhibit No. 26, Letter from U.S. Department of State.

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2. **Historic preservation, as determined by the Board of Zoning Adjustment in carrying out this section; and in order to ensure compatibility with historic landmarks and districts, substantial compliance with District of Columbia and Federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks**

The Board must first determine whether there has been substantial compliance with applicable historic preservation regulations. While “substantial compliance” is not defined in the Foreign Missions Act or the Zoning Regulations, in *Sheridan-Kalorama Historical Ass’n. v. Christopher*, 49 F.3d 750, 311 U.S. App. D.C. 16 (D.C. Cir. 1995), the United States Court of Appeals for the District of Columbia Circuit noted that “‘compliance’ with these laws is not as much a matter of meeting any specific standard as it is of submitting the proposal to the appropriate regulatory body or bodies for review and comment,” 49 F.3d at 759, 311 U.S. App. D.C. at 25. In that case, the court found substantial compliance through the referral of the application to the Mayor’s Agent for Historic Preservation. At present, the Mayor has made the Director of the Office of Planning his agent for carrying out his historic preservation responsibilities and, as noted, notice of this Application was provided to that Office. Therefore, substantial compliance has occurred.

The building at 1714 Massachusetts Avenue, into which the chancery use is expanding, is located within the Massachusetts Avenue Historic District, but there are no proposed exterior changes to the building, and, as noted by the Office of Planning, no historic preservation issues are raised by this application. Exhibit No. 29, Office of Planning Report.

3. **The adequacy of off-street or other parking and the extent to which the area will be served by public transportation to reduce parking requirements, subject to such special security requirements as may be determined by the Secretary of State, after consultation with Federal agencies authorized to perform protective services**

Due to limited on-site parking at 1708 Massachusetts Avenue, where the chancery use is currently located, the applicant leases off-site parking spaces at a nearby commercial garage for the use of its staff. The building at 1714 Massachusetts Avenue shares a party wall with 1708 Massachusetts Avenue, but on its other side, has an open, paved, side yard area which will accommodate between five and seven vehicles. This side yard area, or parking area, continues the length of the lot and connects Massachusetts Avenue with the public alley at the rear of the property. The building at 1714 Massachusetts Avenue also has a circular drive in front of it, which can be used to park and queue vehicles, although this drive is in public space.

The parking requirement for the chancery use at 1714 Massachusetts Avenue would be five on-site parking spaces, although as a contributing historic building whose gross floor area is not being increased by 50% or more, this requirement technically does not apply. 11 DCMR §§ 2101 and 2120.3. In any event, five to seven parking spaces are being provided on-site, and no significant increase in chancery staff or parking volume is contemplated or expected.

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Moreover, Massachusetts Avenue is traversed by several Metrobus routes and 1714 Massachusetts Avenue is located two blocks from the Dupont Circle Metrorail Station and four blocks from the Farragut North Metrorail Station. Therefore, the Board finds that adequate parking and public transportation exist to service the expanded chancery use.

After consultation with Federal agencies authorized to perform protective services, the Secretary of State has determined that there exist no special security requirements relating to parking in this case. Exhibit No. 26.

4. The extent to which the area is capable of being adequately protected, as determined by the Secretary of State, after consultation with Federal agencies authorized to perform protective services

After consultation with Federal agencies authorized to perform protective services, the Secretary of State has determined that the subject property and area are capable of being adequately protected. Exhibit No. 26.

5. The municipal interest, as determined by the Mayor

The Director of the Office of Planning, on behalf of the Mayor of the District of Columbia, has determined that favorable action on this application is in the municipal interest and is consistent with the Comprehensive Plan. Exhibit No. 29.

6. The Federal interest, as determined by the Secretary of State

The Secretary of State has determined that a favorable decision on this application would serve the Federal interest. Both the national and municipal governments of Trinidad and Tobago have assisted with the zoning and land use needs of the U.S. Embassy in Port of Spain. Exhibit No. 26.

Having considered and balanced the above factors, it is hereby **ORDERED** that this application is **NOT DISAPPROVED**.

Vote of the Board of Zoning Adjustment taken at its public meeting on April 6, 2010, to not disapprove the application:

VOTE: 4-0-1 (Meridith H. Moldenhauer, Nicole C. Sorg, Peter G. May, and Marcel A. Acosta to not disapprove; No other Board members participating or voting)

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BY THE D.C. BOARD OF ZONING ADJUSTMENT

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

FINAL DATE OF ORDER: May 14, 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.

MN

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

Application No. 18058 of Neil Schechter, pursuant to 11 DCMR § 3104.1, for a special exception to allow a bay window addition to an existing one-family dwelling under section 223, not meeting the lot area requirements (section 401), lot occupancy requirements (section 403), the side yard requirements (section 405), and nonconforming structure provisions (subsection 2001.3), in the D/R-1-B District at premises 1621 31st Street, N.W. (Square 1282, Lot 902).

HEARING DATE: May 11, 2010
DECISION DATE: May 11, 2010 (Bench Decision)

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 4).

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (ANC) 2E and to owners of property within 200 feet of the site.¹ The site of this application is located within the jurisdiction of ANC 2E, which is automatically a party to this application. At its duly-noticed, March 30, 2010 meeting, with a quorum present, ANC 2E voted unanimously to approve the application. The ANC submitted a timely report for the record. (Exhibits 20 and 23). OP submitted a timely report recommending approval of the application.² (Exhibit 21).

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 223, not meeting the lot area requirements (section 401), lot occupancy requirements (section 403), the side yard requirements (section 405), and nonconforming structure provisions

¹ The property was untimely posted. The affidavit of posting indicated that the property was posted on May 7, 2010, four days before the public hearing, instead of the required 15 days. The Board waived the posting requirement at the Applicant's request, noting that there was evidence of actual notice. (Exhibit 24).

² This project was subject to review by the Old Georgetown Board/U.S. Commission of Fine Arts. The project was recommended for approval at the U.S. Commission of Fine Arts March 18, 2010 meeting. (Exhibit 22).

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(subsection 2001.3). 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 proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit 7 – Plans) be **GRANTED**.

VOTE: 3-0-2 (Nicole C. Sorg, Michael G. Turnbull, Meridith H. Moldenhauer, to APPROVE; no other Board members participating or 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: May 17, 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

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OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING**

Z.C. Case No. 05-28B

**(Modification to Previously Approved First-Stage PUD; Second-Stage PUD; and
Related Map Amendment @ Square 5055, Lots 23-25, 801, 802, and
Portions of Lots 22 and 803)**

May 17, 2010

THIS CASE IS OF INTEREST TO ANC 7D

On May 11, 2010, the Office of Zoning received an application from DC Primary Care Association (the "Applicant") for approval of a modification to a previously approved first-stage PUD; a second-stage PUD; and a related map amendment for the above-referenced property. The first-stage PUD (Z.C. Order No. 05-28), encompassed three Squares (5041, 5055, and 5056). A previous second-stage PUD (Z.C. Order No. 05-28A), to include a 98-unit senior living facility and 112 single-family townhomes, was approved for Square 5041.

The property that is the subject of this application consists of Square 5055, Lots 23-25, 801, 802, and Portions of Lots 22 and 803 in Northeast Washington, D.C. (Ward 7) on property approximately bounded by Kenilworth Terrace (north), Hayes Street (east), Kenilworth Avenue (south), and 90 feet west of Hayes Street (west). The property is currently zoned C-2-B. The Applicant proposes a PUD-related map amendment to zone the property to C-3-A.

The first-stage PUD approved residential development for the site. The Applicant proposes a modification to the first-stage PUD approval in order to construct a health care center and a temporary parking area for this phase of the second-stage PUD.

This second-stage PUD would consist of a three-story health care center (the Parkside Health Care Center) that will be operated by Unity Health Care, Inc., whose mission is, "to offer a citywide network of quality health and human services to the medically underserved, regardless of race, ethnic background or ability to pay." The facility will offer the following health care services: walk-in care facilities, family practice, dental, women and infant health care, wellness and associated lab, and pharmacy. The project will also include 85 parking spaces: 12 spaces within the health care center and 73 spaces in a temporary parking lot adjacent to the center. (In the future, the parking lot will be replaced with a building that will provide the needed parking interior to the site.)

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