

CESAR CHAVEZ PUBLIC CHARTER SCHOOLS FOR PUBLIC POLICY**REQUEST FOR PROPOSAL**

Issued: July 9th, 2010

Cesar Chavez Public Charter Schools for Public Policy seek to conduct a renovation of the Chavez Bruce Preparatory Charter School located at the corner of Sherman & Kenyon Streets NW.

The scope of the Project is expected to include:

- Conversion of office to new boys and girls restrooms at 3rd floor of west wing

The design is an alternation of 450 gross SF within an existing 3 story structure.

Permit drawings were submitted to the District of Columbia and a permit was issued 06/29/10. The target date for substantial completion is August 20, 2010.

The Architect of Record is Boggs & Partners. **Roc Blakeney** is the Owner's Representative and will serve as the single point of contact.

Submission packages can be sent electronically to:

- by email to roc.blakeney@chavezschools.org (4MB maximum)
- or by fax to **202-547-3449**

Submission of bound copies is optional and can be sent to:

Cesar Chavez Public Charter Schools for Public Policy
Home Office
709 12th Street SE, Washington, DC 20003

Proposals are due on or before **July 16, 2010 12PM.**

Please address your questions concerning this RFP to:

Roc Blakeney, Director of Facilities and Vendor Services
Cesar Chavez Public Charter Schools for Public Policy
Home Office
202-547-3975

ELSIE WHITLOW STOKES COMMUNITY FREEDOM PCS**REQUESTS FOR PROPOSALS****Audit and Tax Services**

The Elsie Whitlow Stokes Community Freedom Public Charter School, in compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995 (“Act”), hereby solicits expressions of interest from selected certified public accounting firms that have extensive experience in providing **audit** and **tax services** to not-for-profit District of Columbia Charter Schools. Firms will be required to audit the comparative financial statements and certain supplemental information of Elsie Whitlow Stokes, for the fiscal year ending June 30, 2010 in accordance with generally accepted auditing standards. Additional details for the request for proposals are available upon request.

The contract term is slated to begin at the end of August/beginning of September.

Deadline for submissions is July 16, 2010. Please send two hard copies of proposal.

Erika Bryant
Director of Operations
3700 Oakview Terrace, NE
Washington, DC 20017
(202) 265-7237
erikab@ewstokes.org

ELSIE WHITLOW STOKES COMMUNITY FREEDOM PCS**REQUESTS FOR PROPOSALS****Food Service Vendors**

The Elsie Whitlow Stokes Community Freedom Public Charter School, in compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995 (“Act”), hereby solicits expressions of interest from food services vendors to provide quality food products (produce, meat, grains, paper products, etc.) during school year 2010-2011. Provider products must comply with all regulations set by the USDA National Breakfast and Lunch Program.

The contract term is slated to begin at the end of August/beginning of September.

Deadline for submissions is July 16, 2010. Please send two hard copies of proposal.

Erika Bryant
Director of Operations
3700 Oakview Terrace, NE
Washington, DC 20017
(202) 265-7237
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DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2010

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE) located 1200 First Street NE, 5th Floor, Washington, DC, intends to issue a permit to operate one standard automotive paint booth at Best Capitol Auto Body located at 319 S Street NE, Washington DC 20002.

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

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

Comments should be addressed to:

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

No written comments postmarked after August 9, 2010 will be accepted.

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

DISTRICT OF COLUMBIA HOUSING AUTHORITY**Notice of Public Meeting****Board of Commissioners**

The July regular meeting of the Board of Commissioners of the District of Columbia Housing Authority (DCHA) will be held on the date and at the location set forth below:

<u>Date</u>	<u>Location</u>	<u>Street Address</u>
Wednesday, July 14, 2010	Wheeler Creek Community Center	1130 Varney St., SE

The meeting will be held at 1:00 pm. The meeting will be held in open session. The public is invited to attend.

A copy of the draft agenda for the meeting will be posted in the lobby at 1133 North Capitol Street, NE.

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT

NOTICE OF FUNDING AVAILABILITY

Upper Georgia Avenue Business Assistance Program Grant

The Department of Small and Local Business Development (DSLBD) is soliciting applications from qualified nonprofit organizations to manage its Upper Georgia Avenue Business Assistance Program “the Program”. Through this grant, DSLBD will fund the provision of technical assistance to retain businesses operating in the Upper Georgia Avenue commercial district and services to promote the commercial corridor as a shopping and dining destination. The Upper Georgia Avenue commercial district comprises: Georgia Avenue, NW (7300–7900 blocks); Eastern Avenue, NW (7800 block, Southside); Alaska Avenue, NW (7700 block); and Colorado Avenue, NW (5400 block) (“Upper Georgia Avenue”). A grant of \$100,000 will be awarded to one organization.

Eligible applicants are nonprofit 501(c)3 organizations, which are incorporated in the District of Columbia and have economic development and/or business development as their core mission. Through the application process, applicants must demonstrate their organization and programmatic capacity to: a) incorporate the Program’s technical assistance and commercial district promotion services into their existing operations; and, b) successfully develop, implement, and evaluate the Program’s services during a 12-month grant performance period, which begins September 1, 2010.

The grant recipient will be selected through a competitive application process and announced in August 2010. Interested applicants should review the Program’s guidelines and submit a complete Application for receipt in DSLBD’s office on or before **Tuesday, July 27, 2010 at 5:00 PM**. Program guidelines and applications are available online at www.dslbd.dc.gov or in hard copy at DSLBD’s office (441 4th Street, NW, Suite 970N, Washington, DC 20001; photo ID required to enter building).

For more information, contact Camille Nixon, Project Manager, Department of Small and Local Business Development at (202) 727-3900.

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT**NOTICE OF FUNDING AVAILABILITY****Ward 4 Storefront Improvement Program**

The Department of Small and Local Business Development (DSLBD) is soliciting a second round of applications for its Ward 4 Storefront Improvement Program (SIP). The Program is intended for eligible Ward 4 business owners to make small design fixes to their storefronts. The services that are eligible are strictly for storefront exterior improvements, including upgrades to business signs, awnings, front entrance door, glass (storefront window, front door), lighting, painting touch-ups, and interior security grates.

Approved improvement services will be funded by the Ward 4 Capital Improvement Program. Selected businesses will not receive direct funding. Business owners may be eligible for up to \$15,000 in improvement services. While the storefront improvement services are free to the business owner, the business owner is responsible for any permit fees, which range from \$150 to \$600. As a pilot program, resources are available only for a limited number of Ward 4 businesses.

Ward 4 businesses will be selected through a competitive application process, which comprises three stages. Interested Ward 4 business owners (applicants) must complete and submit a **Stage 1 Application** and submit for receipt in DSLBD's office on or before **Friday, July 30, 2010 at 5:00 PM**. Through the Stage 1 application, applicants demonstrate that their business and commercial property meet the program eligibility requirements and indicate their requested storefront improvements.

Interested Ward 4 business owners may obtain the Stage 1 Application Form and the Program Guidelines online at DSLBD's web site (www.dslbd.dc.gov) or in person at DSLBD's office at 441 4th Street, NW, Suite 970N, Washington, DC 20001 (photo ID required to enter building).

Based on satisfactory completion of the Stage 1 Application, applicants will start **Stage 2** of the application process, during which they obtain and submit bids for the requested improvements that DSLBD determined were eligible. Applicants who complete Stage 2 will proceed to **Stage 3**, during which they obtain the necessary permits to begin the storefront improvement work and sign a Memorandum of Understanding.

The **Program Guidelines** has details about the program's objective, applicant eligibility, eligible storefront improvements, and the application process.

For more information, contact Camille Nixon, Project Manager, Department of Small and Local Business Development at (202) 727-3900.

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

Application No. 17792-A of Armenian Genocide Museum and Memorial, Inc., pursuant to 11 DCMR § 3104.1, for a special exception from the rear yard requirements under subsection 774.2, to establish a museum and memorial, in the SHOP/C-4 District at 615 14th Street, N.W. (Square 253, Lot 67).

HEARING DATE (Orig. Application): July 8, 2008
DECISION DATE (Orig. Application): July 8, 2008 (Bench Decision)
FINAL ORDER ISSUANCE DATE: July 8, 2008
DECISION ON MOTION TO EXTEND ORDER: June 22, 2010

**ORDER ON MOTION TO EXTEND
THE VALIDITY OF BZA ORDER NO. 17792**

The Underlying BZA Order

On July 8, 2008, the Board of Zoning Adjustment (the “Board” or “BZA”) approved the Applicant’s request for a special exception from the rear yard requirements under § 774.2, to establish a museum and memorial, in the SHOP/C-4 District. Thus, pursuant to 11 DCMR § 3104.1, the Board granted a special exception from the rear yard requirements under § 774.2, to establish a museum and memorial, in the SHOP/C-4 District at 615 14th Street, N.W. (Square 253, Lot 67). The Order was issued July 8, 2008. (BZA Order 17792).

Under the Order, and pursuant to § 3130.1 of the Zoning Regulations, the Order was valid for two years from the time it was issued – until July 8, 2010.

Section 3130.1¹ states:

No order [of the Board] authorizing the erection or alteration of a structure shall be valid for a period longer than two (2) years, or one (1) year for an Electronic Equipment Facility (EEF), unless within such period, the plans for the erection or alteration are filed for the purposes of securing a building permit, except as permitted in § 3130.6.

(11 DCMR § 3130.1).

Motion to Extend

¹ Section 3130.1 was amended by the addition of the phrase “except as permitted in § 3130.6” by the Zoning Commission in Z.C. Case No. 09-01. The amendment became effective on June 5, 2009.

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On May 20, 2010, the Board received a letter dated May 20, 2010 from the Applicant, which requested, pursuant to 11 DCMR § 3130.6,² a two-year extension in the authority granted in the underlying BZA Order, which was due to expire July 8, 2010. (Exhibit 33).

The Applicant is requesting a two-year extension in the authority granted in the underlying BZA Order because, in part, due to the unstable and unpredictable economic and real estate market conditions, and the continuing economic crisis these have caused, the Applicant has been prevented from securing major contributions and project financing to allow the Applicant to proceed with the project. An even greater impediment to the Applicant's proceeding with the approved plans has been ongoing, complex and protracted litigation which has hindered the Applicant's fundraising efforts with other potential contributors, as well as financing efforts with potential lenders. To meet its burden of proof, the Applicant provided a signed and notarized affidavit which indicated that the Applicant has diligently sought financing and attempted to move forward with development of the approved plans since the time of the BZA's original approval, but that despite those efforts, the Applicant has been unable to secure project financing while the litigation has worked through the D.C. Federal courts. In March, 2010, the presiding judge issued decisions at the summary judgment level and, at this time, the Applicant is encouraged that resolution of the litigation will be reached in time to allow the Applicant to secure the needed financing to move forward with the approved plans. (Exhibit 33, Exhibit B).

On June 15, 2010, the Office of Planning ("OP") filed a memorandum in support of the Applicant's request for a time extension of the underlying Order. (Exhibit 34). The project is within the boundaries of ANC 2F. The Certificate of Service submitted by the Applicant with the time extension application indicates that it was served on ANC 2F, the only party to the original application, on May 20, 2010. ANC 2F did not file a report.

According to the Applicant, the reasons for its request to the Board to extend the time of the Order are because of its inability to secure contributions and other financing in an unstable economic market and market conditions in the District as well as the impediments to securing funding caused by pending, complex and protracted litigation. The extension would allow the Applicant the additional time in which to resolve the litigation and secure financing. Accordingly, the Applicant requested that, pursuant to § 3130.6 of the Regulations, the Board extend the validity of its prior Order for an additional two years, thereby allowing the Applicant additional time to secure financing and apply for a building permit.

² Section 3130.6 was adopted by the Zoning Commission in Z.C. Case No. 09-01 and became effective on June 5, 2009.

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Criteria for Evaluating Motion to Extend

The Zoning Commission adopted 11 DCMR § 3130.6 in Zoning Commission Case No. 09-01. The Section became effective on June 5, 2009.

Section 3130.6 of the Zoning Regulations states in full:

3130.6 The Board may grant one extension of the time periods in §§ 3130.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval; provided, that the Board determines that the following requirements are met:

- (a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond;
- (b) There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board's justification for approving the original application; and
- (c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria:
 - (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control;
 - (2) An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or
 - (3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

(11 DCMR § 3130.6)

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Furthermore, pursuant to 11 DCMR § 3130.9, for a request for a time extension to toll the expiration date of the underlying order for the sole purpose of allowing the Board to consider the request, the motion must be filed at least 30 days prior to the date on which an order is due to expire. The Applicant filed its request on May 20, 2010, which was within the required 30-day period for tolling.

Also, the Board found that the Applicant has met the criteria set forth in § 3130.6. The motion for a time extension was served on all the parties to the application and those parties were given 30 days in which to respond under § 3130.6(a). The Applicant's inability to resolve pending, complex and protracted litigation and to secure financing and the poor economic conditions in the District constitute the "good cause" required under § 3130.6(c)(1).

As required by § 3130.6(b), there is no substantial change in any of the material facts upon which the Board based its original approval. In requesting this extension of the Order, the Applicant's plans for development of the site would be unchanged from those approved by the Board in its Order dated July 8, 2008 (Exhibit No. 24F in the record). There have been no changes to the zone district classification applicable to the property or to the Comprehensive Plan affecting this site since the issuance of the Board's Order.

Neither the ANC nor any party to the application objected to an extension of the Order. The Board concludes that the extension of that relief is appropriate under the current circumstances.

Accordingly, pursuant to § 3130.6 of the Regulations, the Board hereby extends the validity of the underlying Order, for a period not to exceed two years from the current expiration date, thereby establishing a new expiration date of July 8, 2012.

Pursuant to 11 DCMR § 3101.6, 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 request for extension of time be **GRANTED** until July 8, 2012.

VOTE: 4-0-1 (Shane L. Dettman, Meridith H. Moldenhauer, Nicole C. Sorg, Michael G. Turnbull (by absentee ballot) to approve; no other Board member (vacant) participating, nor voting)

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

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

FINAL DATE OF ORDER: July 1, 2010

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

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

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

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

Application No. 17831-A of Georgetown Strategic Capital, as amended, pursuant to 11 DCMR §§ 3103.2 and 3104.1, for a variance from the lot occupancy requirements under section 772, a variance from the rear yard requirements under section 774, a variance from the required public space at ground level under section 633 and a variance from the prohibition of driveways that provide access from a pedestrian street to required parking spaces or loading berths under subsection 1903.2, or in the alternative, a special exception under section 1906.1 from the prohibition of driveways that provide access from a pedestrian street to required parking spaces or loading berths under subsection 1903.2 to construct a new multiple residence building with ground level commercial uses, in the ARTS/C-3-A and ARTS/CR Districts on the southwest corner of the intersection of 14th and U Streets, N.W. (Square 205, Lots 70, 71, 73, 830 and 831).

HEARING DATE (Orig. Application): November 5, 2008
DECISION DATE (Orig. Application): November 5, 2008 (Bench Decision)
FINAL ORDER ISSUANCE DATE: November 13, 2008
DECISION ON MOTION TO EXTEND ORDER: June 22, 2010

**ORDER ON MOTION TO EXTEND
THE VALIDITY OF BZA ORDER NO. 17831**

The Underlying BZA Order

On November 5, 2008, the Board of Zoning Adjustment (the “Board” or “BZA”) approved the Applicant’s request for variances from the lot occupancy requirements under § 772, the rear yard requirements under § 774, the required public space at ground level under § 633, and from the prohibition of driveways that provide access from a pedestrian street to required parking spaces or loading berths under § 1903.2, or in the alternative, a special exception under § 1906.1 from the prohibition of driveways that provide access from a pedestrian street to required parking spaces or loading berths under § 1903.2 to construct a new multiple residence building with ground level commercial uses, in the ARTS/C-3-A and ARTS/CR Districts. Thus, pursuant to 11 DCMR §§ 3103.2 and 3104.1, the Board granted variances under §§ 772, 774, and 633 regarding requirements for lot occupancy, rear yard, and public space at ground level, and a special exception under § 1906.1 regarding driveways from a pedestrian street to required parking or loading, in order to construct a new multiple residence building with ground level

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commercial uses in the ARTS/C-3-A and ARTS/CR Districts on the southwest corner of the intersection of 14th and U Streets, N.W. (Square 205, Lots 70, 71, 73, 830, and 831). The Order was issued November 13, 2008. (BZA Order 17831).

Under the Order, and pursuant to § 3130.1 of the Zoning Regulations, the Order was valid for two years from the time it was issued – until November 13, 2010.

Section 3130.1¹ states:

No order [of the Board] authorizing the erection or alteration of a structure shall be valid for a period longer than two (2) years, or one (1) year for an Electronic Equipment Facility(EEF), unless within such period, the plans for the erection or alteration are filed for the purposes of securing a building permit, except as permitted in § 3130.6.

(11 DCMR § 3130.1)

Motion to Extend

On May 13, 2010, the Board received a letter dated May 13, 2010 from the Applicant, which requested, pursuant to 11 DCMR § 3130.6,² a two-year extension in the authority granted in the underlying BZA Order, which was due to expire November 13, 2010. (Exhibit 53).

The Applicant is requesting a two-year extension in the authority granted in the underlying BZA Order because, due to the deterioration of the real estate market in Washington, D.C., the frozen credit markets, and the continuing economic crisis these have caused, the Applicant has been unable to obtain the necessary financing commitment to begin the project, despite attempts to obtain financing for the project ever since the Board originally approved it. To meet its burden of proof, the Applicant provided a signed and notarized affidavit which indicated that the Applicant has diligently sought financing and attempted to move forward with development of the site since the time of the BZA's original approval. The Applicant noted that while the latest reports suggest that the multi-family housing sector may be starting to stabilize, the economy is not expected to rebound prior to the time when the underlying BZA Order was due to expire. (Exhibit 53, Exhibit B).

¹ Section 3130.1 was amended by the addition of the phrase “except as permitted in § 3130.6” by the Zoning Commission in Z.C. Case No. 09-01. The amendment became effective on June 5, 2009.

² Section 3130.6 was adopted by the Zoning Commission in Z.C. Case No. 09-01 and became effective on June 5, 2009.

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There was no response to the Applicant's motion filed from any party in the case or the Office of Planning ("OP"). The project is within the boundaries of ANC 2B. ANC 2B did not file a report, nor did Phyllis D. Klein, who was a party in the case, although both ANC 2B and Ms. Klein were served with the motion.

According to the Applicant, the reasons for its request to the Board to extend the time of the Order are because of its inability to secure financing in an unstable economic market and market conditions in the District. The extension would allow the Applicant the additional time in which to secure financing. Accordingly, the Applicant requested that, pursuant to § 3130.6 of the Regulations, the Board extend the validity of its prior Order for an additional two years, thereby allowing the Applicant additional time to secure financing and apply for a building permit.

Criteria for Evaluating Motion to Extend

The Zoning Commission adopted 11 DCMR § 3130.6 in Zoning Commission Case No. 09-01. The Section became effective on June 5, 2009.

Section 3130.6 of the Zoning Regulations states in full:

- 3130.6 The Board may grant one extension of the time periods in §§ 3130.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval; provided, that the Board determines that the following requirements are met:
- (a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond;
 - (b) There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board's justification for approving the original application; and
 - (c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria:
 - (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control;

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- (2) An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or
- (3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

(11 DCMR § 3130.6)

Furthermore, pursuant to 11 DCMR § 3130.9, for a request for a time extension to toll the expiration date of the underlying order for the sole purpose of allowing the Board to consider the request, the motion must be filed at least 30 days prior to the date on which an order is due to expire. The Applicant filed its request on May 13, 2010, which was more than the required 30-day period for tolling.

Also, the Board found that the Applicant has met the criteria set forth in § 3130.6. The motion for a time extension was served on all the parties to the application and those parties were given 30 days in which to respond under § 3130.6(a). The Applicant's inability to secure the necessary permits and financing and the poor economic conditions in the District constitute the "good cause" required under § 3130.6(c)(1).

As required by § 3130.6(b), there is no substantial change in any of the material facts upon which the Board based its original approval. In requesting this extension of the Order, the Applicant's plans for development of the site would be unchanged from those approved by the Board in its Order dated November 13, 2008 (Exhibit No. 28, Plans, as modified by the two additional sheets marked as Exhibit No. 40 in the record). There have been no changes to the zone district classification applicable to the property or to the Comprehensive Plan affecting this site since the issuance of the Board's Order.

Neither the ANC nor any party to the application objected to an extension of the Order. The Board concludes that the extension of that relief is appropriate under the current circumstances.

Accordingly, pursuant to § 3130.6 of the Regulations, the Board hereby extends the validity of the underlying Order, for a period not to exceed two years from the current expiration date, thereby establishing a new expiration date of November 13, 2012.

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Pursuant to 11 DCMR § 3101.6, 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 request for extension of time be **GRANTED** until November 13, 2012.

VOTE: 3-0-2 (Shane L. Dettman, Nicole C. Sorg, Meridith H. Moldenhauer to approve; no Zoning Commission member or other Board member (vacant) participating, nor voting)

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

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

FINAL DATE OF ORDER: July 1, 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 § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

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

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

Order No. 17936-A of New York University, Motion for Modification of Approved Plans of Order No. 17936 of New York University, pursuant to section 3129 of the Zoning Regulations. The original application was pursuant to 11 DCMR § 3103.2, for a variance from the lot occupancy requirements under section 772, a variance from the off-street parking requirements under subsection 2101.1, and a variance from the loading requirements under subsection 2201, to allow the construction of a nine (9) - story dormitory and academic center building in the DD/C-2-C District at premises 1307-1311 L Street, N.W. (Square 247, Lot 103).¹

HEARING DATE (original application):	June 23, 2009
DECISION DATE (original application):	June 23, 2009 (Summary Order)
FINAL ORDER ISSUANCE DATE (original application):	June 29, 2009
MODIFICATION DECISION DATE:	June 22, 2010

SUMMARY ORDER ON REQUEST FOR MODIFICATION

Background.

On June 23, 2009, the Board of Zoning Adjustment (the “Board” or “BZA”) approved the Applicant’s original request for variances from the lot occupancy requirements under § 772, from the off-street parking requirements under § 2101.1, and from the loading requirements under § 2201, to allow the construction of a nine-story dormitory and academic center building in the DD/C-2-C District at premises 1307-1311 L Street, N.W. (BZA Order No. 17936, issued June 29, 2009).

Motion for Minor Modification

On May 18, 2010, the Applicant filed a request for minor modification of approved plans, pursuant to § 3129 of the Zoning Regulations (Exhibit 33). Sufficient notice of this motion for minor modification of plans was provided to the Office of Planning (“OP”) and Advisory Neighborhood Commission (“ANC”) 2F, as evidenced by the Certificate of Service that accompanied the motion. (Exhibit 33).

Pursuant to § 3129.4, all parties are allowed to file comments within 10 days of the filed request for modification. Neither OP nor the affected ANC 3F, which was a party to the underlying case, and thus was required to be served with any modification request to

¹ The Applicant also requested processing under “Expedited Review” pursuant to § 3118; however, § 3118 only applies to eligible applications for relief under §§ 223 and 209.1, pursuant to § 3118.1. Consequently, the Board did not entertain the motion for modification under § 3118.

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which it was a party, submitted a report or responded to the motion. The Applicant stated that it had presented the revised plans to its adjacent neighbors and they indicated no objection to the revision. (Exhibit 33).

Section 3129, specifically § 3129.3, indicates that a request for minor modification “of plans shall be filed with the Board not later than two (2) years after the date of the final order approving the application.” The motion was filed within the two-year period following the final order in the underlying case.

Further, § 3129.7, states that “[a] request to modify other aspects of a Board order may be made at anytime, but shall require a hearing.” The Board waived its rules, by consensus, and decided the request based on the written materials that had been filed.

The modifications are minor and do not change the material facts on which the zoning relief was approved, and therefore no new relief is required. The Applicant stated that the modifications being sought are minor and would not prejudice any party. The Applicant has proposed adding a green roof over the rear loading and parking area. The Applicant stated that with the roof, the building would occupy almost 100% of the lot area at ground level. The green roof has been designed to achieve the Applicant’s storm water management through roof collection and filtration. The revised gross floor calculations and revised plans illustrating the roof were included with the exhibits attached to the motion. (Exhibit 33, Exhibit A). According to the Applicant, the proposed minor modification represents an improvement over the original proposal which only had an impervious surface for the loading and parking area. No one objected to the request.

Based upon the record before the Board, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR § 3129.1, that the requested relief can be granted being in harmony with the general purpose and intent of the Zoning Regulations and Map. No parties opposed this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board concludes that the Applicant's proposed modification of these conditions is consistent with the requirements of § 3129.7 of the Zoning Regulations in that the revisions represent a minor modification that does not change the material facts the Board relied upon in approving the original application.

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

VOTE on Original Application (June 23, 2009):

3-0-2

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(Shane L. Dettman, William W. Keating, III, Marc D. Loud, to APPROVE. Two Mayoral appointees (vacant) not participating, not voting.)

VOTE on Minor Modification of Plans (June 22, 2010): 3-0-2

(Shane L. Dettman, Meridith H. Moldenhauer, Nicole C. Sorg to APPROVE. Neither the Zoning Commission member or the third Mayoral appointee (vacant) participating, nor voting.)

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

A majority of Board members approved issuance of this order.

FINAL DATE OF ORDER: July 6, 2010

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

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

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