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June 6, 2002

D.C. BOARD OF ZONING
2002 JUN -6 AM 11:09

BY HAND DELIVERY

Mr. Geoffrey H. Griffis
Chairperson
Board of Zoning Adjustment
441 Fourth Street, N.W., Suite 210
Washington, DC 20001

Re: Submission of Draft Findings of Fact and Conclusions of Law in Case No. 16859 (1000 Mount Olivet Road, N.E.; Square 4039, Parcel 141/71)

Dear Chairperson Griffis:

As requested by the Board at the conclusion of the April 16, 2002 hearing on the above-captioned matter, please find enclosed an original and ten copies of the draft Findings of Fact and Conclusions of Law.

Sincerely,

Lyle M. Blanchard

Lyle M. Blanchard

Enclosures

cc: Mr. Ira J. Holland (by mail w/encl.)
Mr. Michael W. Brown (by mail w/encl.)
Mr. William H. Highsmith, Jr. (by mail w/encl.)
James Kessler, AIA (by mail w/encl.)
John Patrick Brown, Jr., Esq. (w/out encls.)

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BZA
Case No. 16859
Exhibit No. 41

Board of Zoning Adjustment
District of Columbia
CASE NO.16859
EXHIBIT NO.41

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16859 of the Government of the District of Columbia, pursuant to 11 DCMR § 3104.1, for a special exception to establish a community service center under section 334, and pursuant to 11 DCMR § 3103.2, a variance from the off-street parking requirements under subsection 2101.1, a variance from the off-street loading requirements under subsection 2201.1,[1/] and a use variance to allow the establishment of a youth detention center having 80 youth (beds) and 80 staff under subsection 330.5, in an R-4 District at premises 1000 Mount Olivet Road, N.E. (Square 4039, Parcel 141/71).

HEARING DATE: April 16, 2002

DECISION DATE: April 16, 2002 (Bench Decision)

DECISION AND ORDER

The Government of the District of Columbia, Department of Human Services, the owner of Parcel 141/71 in Square 4039 filed an application with the Board of Zoning Adjustment on February 11, 2002, seeking a special exception to establish a community service center under Section 334, and pursuant to 11 DCMR § 3103.2, a variance from the off-street parking requirements under subsection 2101.1, and a use variance to allow the establishment of a youth detention center having 80 youth (beds) and 80 staff under subsection 330.5. The application

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[1/] At the hearing, the board sua sponte amended the application to include a variance from the off-street loading requirements under subsection 2201.1.

was accompanied by a memorandum from the Zoning Administrator certifying the required relief. After a public hearing, the Board approved the application, having been satisfied with the Zoning Administrator's revised certification that a variance from lot occupancy was not required, adding approval of a variance from the off-street loading provisions under subsection 2201.1, and with the conditions that the Applicant set aside ten (10) parking spaces for use by visitors to the community service center and that the Applicant maintain the community service center use for the duration of the youth detention center use.

PRELIMINARY AND PROCEDURAL MATTERS

Notice of Application and Notice of Hearing. By memoranda dated _____, 2002, the Office of Zoning notified the Zoning Administrator; the D.C. Office of Planning; Advisory Neighborhood Commission ("ANC") 5B, the ANC for the area within which the subject property is located, the ANC commissioner for the affected Single-Member District; and the Ward 5 Councilmember of the filing of the application.

The Board scheduled a public hearing on the application for April 16, 2002. Pursuant to 11 DCMR § 3113.13, the Office of Zoning, on _____, 2002, mailed a Notice of Hearing to the Applicant, the owners of all property within 200 feet of the subject property, and ANC 5B. Notice of Hearing was also published in the *D. C. Register* on March 1, 2002, at 49 DCR 1849. The Applicant's Affidavit of Posting indicates that on April 1, 2002, zoning notice posters were placed on the subject property at 1000 Mount Olivet Road, N.E. and 2000 Fairview Street, N.E., in plain view of the public.

Request for Party Status. There were no requests for party status.

Applicant's Case. The Applicant through counsel, John Patrick Brown, Jr., Esq. and Lyle M. Blanchard, Esq., presented the zoning relief requested. Ms. Gayle Turner, Administrator of the Youth Services Administration ("YSA") of the Department of Human Services ("DHS") and Mr. Ira Holland, Correctional Institutional Administrator, YSA, explained the prior use of the property as the former D.C. Receiving Home for Children ("Receiving Home") and the impact of the consent decree arising out of the Jerry M. court decision which required the District to close the Receiving Home and provide the type and scale facility being proposed. Ms. Turner and Mr. Holland discussed the more than three-year process of discussing the plans and operations of the proposed facility with the community, and explained the community's request for a community service center which was a result of these meetings. The project developer, D.C. Housing Authority/Construction Services Administration ("DCHA/CSA"), provided its architect, James Kessler, who described the architectural plans and the required zoning relief. DCHA/CSA also provided its security consultant, Mr. Rhett Wade, who discussed in depth the security design, key-less electronic security system, and security operations.

Public Agency Reports and Memoranda. By memorandum dated April 4, 2002, the Office of Planning ("OP") recommended: (1) approval of a special exception to allow the establishment of a community service center with approximately 5,000 square feet, subject to the condition that ten (10) on-site parking spaces located along the Mount Olivet Road side of the property be reserved for use by community service center visitors, (2) approval of special exceptions to allow the establishment of a youth rehabilitation home, subject to the condition that the community service center use (the 5,000 square feet dedicated to that use and the associated

access to the on-site gymnasium) be maintained for the duration of this special exception, and (3) approval of a variance to increase the maximum occupancy of the youth rehabilitation home from 15 to 80 youth. In addition, OP recommended approval of the parking and loading facilities as proposed by the Applicant.

By supplemental memorandum dated April 11, 2002 for which the Board waived its seven-day filing of Rules to allow into the record, OP provided an alternative analysis and recommendation based on the variance test and determined that the proposed youth detention center meets the variance test and again recommended approval of the Application, including, specifically, the parking and loading proposed by the Applicant. OP determined that the property has unique conditions due to its very irregular shape and topography and its prior use as a youth detention facility. OP also found that the property has extraordinary conditions based on the Jerry M. consent decree requirements, the substantial involvement of a wide range of "stakeholders" in developing standards at the direction of the court, the finding of the selection team that the subject property is the only site in the District, among several which were considered which meets program and development requirements, and the finding of the independent environmental assessment that the proposed project on the subject property would have "no significant impact" on the surrounding neighborhood. OP concluded that in light of these findings, that the Applicant had satisfied the variance test for the proposed youth detention facility and that the Application could be granted without impairing the intent, purpose and integrity of the Zone Map as embodied in the Zoning Regulations and Map.

The Metropolitan Police Department ("MPD") indicated, in a letter dated March 26, 2002, from Fifth District Commander Jennifer Greene, that no traffic problems would be created,

the facility would be adequately staffed, and that as a result, MPD would have no objection to the proposed facility (see Ex. 4 to the OP report of April 4, 2002). The Fire and Emergency Medical Services Department recommended approval of the Application, in a memorandum dated April 5, 2002, from Fire Marshall Bruce Cowan, provided a fire sprinkler system and automatic fire detector system is installed in accordance with the D.C. Construction Codes (Ex. 27).

ANC Report. The Board waived the seven-day filing deadline of 11 DCMR § 3115.1 to accept the ANC's April 12, 2002, written report. In its report, Ms. Rhoda Chappelle, Chair, ANC 5B indicated that on April 11, 2002, at a properly noticed meeting with a quorum present, ANC 5B voted to support the application. The written report specifically mentions support of the community service center. ANC 5B representatives did not appear at the hearing.

Persons in Support of the Application. No persons presented oral or written testimony in support of the application.

Parties and Persons in Opposition to the Application. No parties or persons presented oral or written testimony in opposition to the application.

Closing of the Record. The record closed at the conclusion of the hearing, with the exception of certain photographs of the project model (Ex. _) and drawing of the security perimeter (Ex. _) requested from the Applicant and which were subsequently filed in the record.

FINDINGS OF FACT

1. The subject property is located at 1000 Mount Olivet Road, N.E. (Square 4039, Parcel 141/71) in the Ivy City neighborhood of Ward 5. The subject property is zoned R-4.

2. The subject property contains 130,680 square feet and was originally operated by the District of Columbia beginning in approximately 1950 as the D.C. Receiving Home for Children, a youth detention facility. The site is irregularly shaped and steeply sloped with topography that falls approximately thirty (30) feet from Mount Olivet to the rear of the site.

3. The adjacent properties have less restrictive zoning. To the east, an apartment complex is zoned R-5-A. To the north, warehouse and other abandoned buildings are zoned C-M-1 and C-M-2 to New York Avenue and M Street on the north side of New York Avenue and the railroad tracks.

3. In 1945, the District of Columbia obtained ownership of the subject property and in the 1950's began operating the Receiving Home as a detention facility for youths.

4. The youth population at the Receiving Home was as high as 110 at various times during its operation and was found to be in violation of the law due to its deteriorated and functionally obsolete condition, overcrowded dormitory-style housing and lack of basic services. The Receiving Home was closed under the Jerry M. court order in 1995 and the building was demolished in 2000 because it was neither efficient nor economically feasible to attempt to renovate this deteriorated and obsolete facility.

5. The proposed youth services center is designed to comply with the standards specified in the Jerry M. consent decree. As part of this decree, a diverse group of stakeholders (including the Courts, the DC Council, DHS, the Corporation Counsel, the CFO, all three Deputy

Mayors, plaintiff's counsel, and youth advocacy groups) were brought together to develop standards for youth detention facilities. The DCHA/CSA then developed a state-of-the-art building design and operational program for the YSA based on these standards.

6. Three parcels under District control were identified as potential sites for this project (#4 D.C. Village Lane in D.C. Village (one-half mile from Blue Plains Water Treatment Facility), Independence Avenue and 19th Street, S.E. (one block from the D.C. Armory), and the subject property). A selection team representing YSA, DCHA/CSA, U.S. Department of the Interior, Maryland-National Park and Planning Commission and other agencies, evaluated each parcel in terms of its accessibility to District courts and the Oak Hill facility, topography, land use and other factors. After this review, it was determined that the subject property was the only appropriate site for the proposed youth detention facility.

7. Originally, the District believed that construction of a new detention at the subject property was permitted as matter-of-right. Despite its "matter-of-right" status, the Applicant adopted a "good neighbor" policy and worked closely with the community for three (3) years in developing the current proposal. Only when the District filed for a building permit in December 2001, was it established that zoning relief was required from the Board.

8. The Zoning Administrator, by letter dated January 22, 2002, referred the matter to the Board. The letter indicates Board approval is required for (1) a variance for the use provisions of section 330.5 to allow establishment of a youth detention center for 80 youth (beds) and 80 staff in an R-4 zone, (2) a variance from the percentage of lot occupancy limitation of section 403.2 for a non-residential structure in an R-4 zone, and (3) special exception pursuant to section 334.1 to allow establishment of a community service center in the residential R-4 zone

district. Additionally, the computation chart attached to the letter noted that the levels of required parking spaces and loading berths are to be determined by the Board.

9. The Zoning Administrator, by letter dated April 9, 2002, revised his January 22, 2002 letter to indicate that relief from the lot occupancy restriction was no longer required.

10. The Applicant proposes to construct a youth detention facility and community service center. The facility will be three (3) stories and contain approximately 104,000 square feet of space. Sixty-five (65) off-street parking spaces will be provided for staff and visitors. One thirty (30) foot long and twenty-two (22) foot wide loading berth will be provided in a secure area at the rear of the building.

11. The proposed project will enable the City to comply with the consent decree in the long-standing Jerry M. consent decree and consolidate under one roof youth services currently being provided at separate locations.

12. Detained youth will enter the facility in the custody of the Metropolitan Police through a secure vehicular "sally port". Initial processing by the MPD will be completed and the youths will be transferred within the building to the custody of YSA or released to their parents.

13. Youths delivered by MPD to the custody of YSA will be subject to intake processing, including medical and drug screening, parental notification, provision of clothing, and assignment to one of the individual rooms configured in eight (8) residential pods located on the first and second levels. Each pod will have ten (10) rooms surrounding the centrally located dayroom and multipurpose rooms for classroom and other activities. Each pod will also have direct access to enclosed outdoor recreation space. Each pod is self-contained and can be

operated independently of the other pods. An interior courtyard on the first level will provide passive recreation space for the detained youth.

14. On the second level, recreation facilities, including a gymnasium, will be provided for separate use by the detained youth and youth visitors from the community. Staff support, offices and education facilities will also be provided on the second level.

15. A partial third level will house the offices for the senior administration of the facility.

16. The lower level at the rear of the site will house receiving and staging areas accessed from the exterior loading and service facilities, storage, mechanical facilities, laundry and food service. A loading area of twenty-two (22) feet wide which will accommodate at least one (1) thirty (30) foot truck and another vehicle are located at the lower level. A secure vehicular sally port served by an elevator from the first level will allow the secure transfer of detained youth to the courts or other YSA facilities.

17. The perimeter of the site will be landscaped and possess limited lighting to provide a buffer to adjoining properties. Along the sides of Mount Olivet public sidewalks will provide safe pedestrian access to the site. Metrobus service is available at West Virginia Avenue in close proximity to the site.

18. Sixty-five (65) parking spaces will be provided for employees, visitors and users of the community service center.

19. During the peak daytime shift (2:00 p.m. to 11:00 p.m.), YSA will have approximately 35 to 38 staff members on site, with a large number of these personnel leaving at 5:00 p.m. Staffing levels for the two other shifts will be substantially lower than the peak shift.

20. Visitor parking is available at the front of the site along Mount Olivet Road. This visitor parking is sufficient to simultaneously serve visitors to both the community service center and youth detention facilities.

21. Security was a paramount objective in the design of the facility and planning its operations. In the design of the building, the Applicant has established security-in-depth based on multiple levels or concentric rings of security. The building itself and the materials used provide on important element of the overall security. Technology, including electronic and closed circuit monitoring, keyless access and control, automatic distress signaling and lighting are all part of a comprehensive security system. Exterior alarms are not used, but an automatic community notification system, used successfully at Oak Hill, will be established to provide prompt information to the surrounding residents in the event of a security emergency. The security provided will meet or exceed the standards established by the American Correctional Association and exceeds the level of security provided at other youth detention facilities.

22. At the request of the community, the Applicant has incorporated a 5,000 square foot Community Service Center into the ground level on the Mount Olivet Road frontage of the facility. The community service center will include a large meeting room which at the center of the center, two (2) multipurpose rooms, and offices for a variety of District government social service providers located along the perimeter. A small kitchenette for use by a caterer is also located on the perimeter of the community service center. Additionally, neighborhood children will be allowed to use the indoor recreational facilities (basketball court) on the second floor during designated hours. An exterior public entrance on the Mount Olivet Road frontage will be used for both visitors to the community service center and the detention facility.

23. The Office of Planning recommended approval of this application based on its determination that the Applicant had satisfied the criteria for a special exception under Section 334 for a community service center and met the use variance test for the proposed youth detention facility. Office of Planning also testified that the parking and loading facilities provided were adequate to meet the needs of the facility and the requested variances granted.

24. ANC 5B indicated that on April 11, 2002, at a properly noticed meeting with a quorum present, ANC 5B voted to support the application, including the community service center.

CONCLUSIONS OF LAW

The Board is authorized under § 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799, as amended; D.C. Code § 6-641.07(g)(3) (2001)), to grant variances from the strict application of the Zoning Regulations. The Board is also authorized under § 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 799, as amended; D.C. Code § 6-641.07(g)(2) (2001)), to grant special exceptions. The District of Columbia, Department of Human Services, is seeking a special exception pursuant to 11 DCMR § 3104.1 to establish a community service center under section 334, and area variances pursuant to 11 DCMR § 3103.2, from the off-street parking requirements under subsection 2101.1, from the loading requirements under subsection 2201.1, and a use variance to allow the establishment of a youth detention center having 80 youth (beds) and 80 staff under subsection 330.5, in an R-4 District at premises 1000 Mount Olivet Road, N.E. (Square 4039, Parcel 141/71). The notice requirements of 11 DCMR § 3113 for the public hearing on the application have been met.

1. Based on the Findings of Fact and evidence of record, the Board concludes that the Applicant is seeking a special exception to allow a community service center use in an R-4 District. The granting of such a special exception requires a showing through substantial evidence that the proposed exception satisfies the relevant zoning requirements in Section 334.

2. The Community Service Center meets the applicable requirements in Section 334.2 regarding location and objectionable conditions. The Community Service Center is being provided in direct response to requests from the community and has been planned to be entirely self-contained within the facility and is unlikely to have any negative impact to the community. It is unlikely that the Community Service Center will create traffic, noise or other objectionable conditions. Given its neighborhood orientation, the Community Service Center is not likely to generate significant traffic because of the close proximity of the intended users. The Community Service Center has no outdoor facilities or activities and as result will not generate any exterior noise or be much noticed by anyone in the community.

3. The Community Service Center meets the applicable requirements in Section 334.3 regarding structural changes. Unlike reuse of an existing structure, the Community Service Center has been designed specifically for this purpose and incorporated into the overall construction project. No other building or property will be affected or involved.

4. The Community Service Center meets the applicable requirements in Section 334.4 regarding necessity and convenience. The Community Service Center was designed and developed specifically in response to requests from and with input from the community itself. The use is located in order to conveniently serve the residents of the neighborhood.

5. The Community Service Center meets the applicable requirements in Section 334.5 regarding non-profit operation. The Community Service Center will be made available to the community at no charge and will be operated and financed by the YSA. No profit is sought or will be achieved through operation of this community resource.

6. The Board concludes that approval of special exception relief is warranted due to the proposed use meets or exceeds all of the applicable requirements set forth in Section 334 of the Zoning Regulations, is in harmony with the general purpose and intent of the Regulations and the Map and will not adversely affect the use and enjoyment of nearby properties.

7. Based on the Findings of Fact and evidence of record, the Board concludes that the Applicant is seeking a use variance to allow a youth detention facility in an R-4 District. Under D.C. Code § 5-424(g)(3) and 11 DCMR 3103.2, the Board is authorized to grant an use variance where it finds that three (3) conditions exist:

> (1) the property is unique because, *inter alia*, of its size, shape or topography; (2) the owner would encounter undue hardship if the zoning regulations were strictly applied; (3) the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zoning plan.

Palmer v. Board of Zoning Adjustment, 287 A.2d 535, 542 (D.C. 1972), *French v. District of Columbia Board of Zoning Adjustment*, 658 A.2d 1023, 1035 (D.C. 1995), *quoting Roumel v. District of Columbia Board of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980). *See, also, Capitol Hill Restoration Society, Inc. v. District of Columbia Board of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987). In considering the variances requested, the Board is mindful of the additional flexibility in judging a non-profit organization as "a well-established element of our

governmental system" seeking to provide a service of public benefit or responding to a public need. *Monaco v. D.C. Bd of Zoning Adjustment*, 407 A.2d 1091, 1098 (D.C. 1980).

8. The Board concludes that the Applicant's proposal satisfies the first prong of the variance test, unique property history and conditions. This site is unique for several critical reasons. First, for almost 50 years the property was used as a youth detention facility which was only discontinued because of the building's deteriorated and obsolete condition and in direct response to Court-imposed directions which the existing facility could not satisfy. This site's size is also a critical factor in how it can or cannot be reasonably used. With almost three acres of land, the property, as zoned R-4, is too large and not well-suited for almost any other permitted non-institutional use. Also, this property has been identified as the most appropriate District-owned and available property for this specific use as youth detention facility. As set forth in the Environmental Assessment and Findings of No Significant Impact "Environmental Assessment") prepared for the YSA and provided to the U.S. Department of Justice, Office of Justice Programs, Corrections Program, it was determined that at least three (3) other potential sites (D.C. Village Site and Independence and 19th Street, S.E.), did not meet one or more of the criteria necessary to proceed further, including minimum developable acreage, appropriate zoning and land use, and site control.

Finally, this site's location is unique because it offers critical elements specifically required for the youth detention facility. First, it is centrally located within the City in order to provide reasonably convenient access for District resources, law enforcement personnel, and the families of the detained youth. The Environmental Assessment points out that this site is well served by public transportation, including access to Metrorail within one mile and numerous

Metrobus routes. Second, this site is in close proximity and conveniently accessible to the Courts system which is a critical participant in the youth detention process. Third, this site affords almost immediate access to New York Avenue which is a direct route for the twenty-four (24) mile trip to the Oak Hill Center where youth are transferred to on a routine basis.

9. The Board concludes that the Applicant's proposal satisfies the second prong of the variance test, undue hardship. If strictly enforced, the R-4 zoning of this property would prevent all reasonable and historic uses of the property by the District to provide the much needed public services of this facility. When originally constructed, the current Zoning Regulations (1958) had not been enacted and the Receiving Home was a permitted use. Now, the R-4 District permits only a very limited number of residential (single-family dwelling, row dwelling, flat, rooming or boarding house) and a very limited number of institutional uses (including a child/elderly development center, museum, hospital, sanitarium or clinic for humans) which are not appropriate for a three-acre site or for use by the District. The limited potential for a permitted use of the site is further undermined by jurisdiction of the property being with the YSA. If the youth detention facility is not approved, it is likely that this site will remain vacant and unused for an extended period of time.

10. The Board concludes that the Applicant's proposal satisfies the third prong of the variance test, community benefit and integrity of the Zoning Regulations and Map. The proposed youth detention facility and Community Service Center will provide direct benefits to the community as well as achieves critical city-wide legal requirements for providing facilities and services to District youth. The community and a broad list of stakeholders participated in the planning process and have achieved the objectives of providing a safe and secure youth detention

facility and related services while at the same time responding to the needs of the community without creating objectionable conditions or negative impacts. The Environmental Assessment considered a wide-range of issues and potential impacts and, as a result, made a finding of no significant impact and recommended that no environmental impact statement be prepared. The proposed youth detention facility is a continuation of a longstanding use at this site and is not inconsistent with the Zoning Regulations and Zoning Map. The R-4 zone permits a number of institutional youth residential facilities either as a matter-of-right or by special exception approved by the Board. Generally, these uses are limited in scale in keeping with the smaller size of properties and the general residential character of the R-4 zone. In the case of this site, however, the surrounding uses are not single-family residential, but larger scale institutional/educational uses such as Gallaudet University, isolated higher density multi-family housing and industrial uses. Granting this use variance would recognize and adopt the unusual circumstances and history of this property without undermining the integrity or purpose of the existing zoning Regulations and Map.

11. The Board concludes that approval of use variance relief for an 80 bed youth detention facility is warranted under the three (3) conditions in the test for a variance under 11 DCMR § 3103.2 of the Zoning Regulations, and the variance can be granted without impairing the intent, purpose and integrity of the zone map as embodied in Zoning Regulations and the Map.

12. The Board concludes that the sixty-five (65) off-street parking spaces proposed by the Applicant is sufficient to accommodate the number of staff, visitors coming to the youth

detention facility and neighborhood users of the Community Service Center. The Board grants this variance parking requirements under subsection 2101.1.

13. The Board concludes that the one loading dock 22' in width and 30' in length will be sufficient to accommodate the deliveries needed for the operations of the facility. The Board grants this variance parking requirements under subsection 2201.1.

14. The Board has given the views of ANC 5B "great weight" as required by law.

Based upon the record before the Board and having given great weight to the Advisory Neighborhood Commission and Office of Planning reports filed in this case, the Board concludes that the Applicant has met the burden of proving under 11 DCMR §§ 3104.1 and 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. Therefore, it is hereby **ORDERED** that this Application be **GRANTED**, subject to the following conditions:

1. The Applicant shall provide ten (10) on-site visitor parking spaces located along the Mount Olivet Road frontage; and

2. That the Applicant shall maintain the Community Service Center use for as long as the youth detention facility shall continue to operate..

VOTE: **4 - 0 - 1** (Geoffrey H. Griffis, Anne M. Renshaw, Curtis L Etherly, Jr. and Carol J. Mitten to Approve, David W. Levy not present, not voting).

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

ATTESTED BY:_____

JERRILY R. KRESS

DIRECTOR

FINAL DATE OF ORDER: . _____, 2002

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.

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