



District of Columbia

REGISTER

HIGHLIGHTS

- DC Council passes Act 20-52, Omnibus Alcoholic Beverage Regulation Congressional Review Emergency Amendment Act of 2013
- DC Council schedules a public oversight roundtable on the District of Columbia Streetcar System
- District of Columbia Water and Sewer Authority proposes rules to implement the District of Columbia Clean Rivers Impervious Surface Area Charge Incentive Program
- Department of Housing and Community Development issues the homebuyer assistance income limits table for the Home Purchase Assistance Program (HPAP)
- District of Columbia Public Charter School Board announces it will render decisions on nine applications to create a charter school in the District of Columbia
- Office of Planning announces funding availability for the Live Near Your Work Pilot Program

DISTRICT OF COLUMBIA REGISTER

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The District of Columbia Office of Documents and Administrative Issuances (ODAI) publishes the *District of Columbia Register* (ISSN 0419-439X) (*D.C. Register*) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979 (25 DCR 6960). The policies which govern the publication of the *D.C. Register* are set forth in Title 1 of the District of Columbia Municipal Regulations, Chapter 3 (Rules of the Office of Documents and Administrative Issuances.) Copies of the Rules may be obtained from the Office of Documents and Administrative Issuances. Rulemaking documents are also subject to the requirements of the *District of Columbia Administrative Procedure Act*, District of Columbia Official Code, §§2-501 *et seq.*, as amended.

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-49

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 15, 2013

To amend, on an emergency basis, the Health Benefit Exchange Authority Establishment Act of 2011 to streamline the procurement process for the Health Benefit Exchange Authority by clarifying that such procurements are not subject to the Procurement Practices Reform Act of 2010.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Health Benefit Exchange Authority Establishment Emergency Amendment Act of 2013".

Sec. 2. Section 5(a)(5) of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-94; D.C. Official Code § 31-3171.04(a)(5)), is amended by striking the phrase "consistent with" and inserting the phrase "and not subject to" in its place.

Sec. 3. Section 105(c) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.05(c)), is amended as follows:

(a) Paragraph (14) is amended by striking the word "and" after the semicolon.

(b) Paragraph (15) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(c) A new paragraph (16) is added to read as follows:

"(16) The Health Benefit Exchange Authority."

Sec. 4. Fiscal impact statement.


The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 5. Effective date.

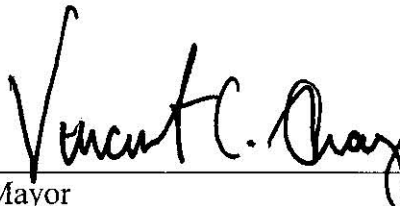
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code §1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 15, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-50

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 22, 2013

To require, on an emergency basis, due to Congressional review, the Mayor to assess the potential safety impact from lower fines, to post general automated enforcement warning signs, to evaluate existing speed limits and revise existing speed limits through rulemaking, and to submit an automated enforcement expansion plan, to prohibit the Mayor from adopting an order, regulation, or rule concerning posted speed limits by emergency rulemaking, and to repeal any such order, regulation, or rule adopted after December 15, 2012; to amend the District of Columbia Traffic Adjudication Act of 1978 to modify the process for Council approval of mayoral changes to the fine schedule; to amend the Pedestrian Protection Amendment Act of 1987 with regard to when a vehicle must stop for a pedestrian in a marked crosswalk or unmarked crosswalk at an intersection; and to amend the District of Columbia Municipal Regulations to reduce traffic fines for certain moving violations, including speeding, failure to clear the intersection, failure to stop and give right-of-way to a pedestrian in a roadway, failure to come to a complete stop before turning right on red, and failure to obey a “no turn on red” sign.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Safety-Based Traffic Enforcement Congressional Review Emergency Amendment Act of 2013”.

TITLE I -- ASSESSMENTS; AUTOMATED ENFORCEMENT PLAN; SIGNAGE

Sec. 101. Safety impact of fine reductions.

Within 18 months from the effective date of the Safety-Based Traffic Enforcement Amendment Act of 2012, passed on 2nd reading on December 18, 2012 (Enrolled version of Bill 19-1013)(“Act”), the Mayor shall transmit to the Council an assessment of the safety impact, if any, resulting from the reduced fines required by that act, which shall include a detailed analysis of any changes in moving violation rates and repeat violation rates.

Sec. 102. Signs identifying the District as a strict enforcement zone.

Within 180 days of the effective date of the Act, the Mayor shall post signs identifying the entire District as a strict traffic enforcement zone and warning that automated cameras are

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used to enforce a wide range of moving violations. The signs shall be posted throughout the District, in locations as determined by the Mayor to be necessary or appropriate.

Sec. 103. Automated enforcement expansion plan.

Not later than April 1, 2013, the Mayor shall transmit to the Council a plan for expansion of automated traffic enforcement in the District. The plan shall include:

(1) An explanation of the plan, its goals, and the strategies to achieve the goals, such as red light, speed, fixed, and mobile;

(2) A recommended number of automated enforcement cameras, by category, that should be deployed in the District to achieve appropriate levels of enforcement and associated traffic safety results;

(3) A timeline for deploying the recommended number of cameras, including the number of additional cameras needed, by category and by fiscal year; and

(4) The amount of funding necessary, in addition to what has been authorized as of the date of the plan's publication, by fiscal year, to attain the target number of cameras.

Sec. 104. Speed limit assessment.

(a) By November 1, 2013, the Mayor shall complete a District-wide assessment that evaluates the speed limits on the District's arterials and other streets. The report of the assessment shall include the criteria used for assessing the speed limits. Upon its completion, the assessment shall be posted to the District Department of Transportation's website. The assessment shall identify a list of recommended speed limits for all District streets based on each of the following independent approaches:

(1) Utilize factors common among transportation officials for the determination of speed limit;

(2) Use factors based on safety and mobility needs of pedestrians, bicyclists, transit drivers, and all other potential road users, as well as factors based on input from local neighborhood representatives and organizations that promote road safety including Advisory Neighborhood Commissions, the Pedestrian Advisory Council, and the Bicycle Advisory Council;

(3) Evaluate whether comparable arterials should have comparable speed limits, and similarly do so for other streets;

(4) Include, based solely on an engineering perspective, speed limits for the District's arterials and other streets.

(b) By January 1, 2014, the Mayor shall revise, through rulemaking, existing speed limits throughout the District as appropriate. Notwithstanding this requirement, the Mayor shall not cause an anti-deficiency as determined by a fiscal impact statement obtained by the Mayor from the Chief Financial Officer.

Sec. 105. Emergency speed-limit changes.

(a) Notwithstanding section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-505(c)), the Mayor may

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not adopt an order, regulation, or rule concerning posted speed limits through emergency rulemaking.

(b) Notwithstanding any other provision of law, any order, regulation, or rule adopted through emergency rulemaking concerning posted speed limits after December 15, 2012, is repealed.

(c) This section shall expire on December 31, 2013, or within 45 days after the District Department of Transportation posts the District-wide assessment provided by section 104 of the Act, whichever is earlier.

Sec. 106. Council approval of fine schedule.

Section 105(a)(1) of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.05(a)(1)), is amended by striking the phrase “The Mayor may modify this schedule of fines by an order which shall be presented to the Council. The order shall be effective 45 days after the Mayor presents it to the Council unless the Council adopts a resolution either disapproving or approving the Mayor’s order, and does so during the review period of 45 days, which shall not include Saturdays, Sundays, legal holidays, and days of recess for the Council” and inserting the phrase “The Mayor may issue proposed rules, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code 2-501 *et seq.*), (“APA”), to propose changes to the schedule of fines. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sunday, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules by resolution within this 45-day review period, the proposed rules shall be deemed approved. Notwithstanding section 6(c) of the APA (D.C. Official Code § 2-505(c)), the Mayor may not amend the schedule of fines until the Council has approved the proposed rules or the proposed rules have been deemed approved” in its place.

TITLE II -- PEDESTRIANS IN CROSSWALKS

Sec. 201. Section 2(a) of the Pedestrian Protection Amendment Act of 1987, effective October 9, 1987 (D.C. Law 7-34; D.C. Official Code § 50-2201.28(a)), is amended to read as follows:

“(a) The driver of a vehicle shall stop and remain stopped to allow a pedestrian to cross the roadway within any marked crosswalk, or unmarked crosswalk at an intersection, when the pedestrian is upon the lane, or within one lane approaching the lane, on which the vehicle is traveling or onto which it is turning.”.

TITLE III -- AMENDMENTS TO THE DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS

Sec. 301. Section 2600.1 of Title 18 of the District of Columbia Municipal Regulations is amended as follows:

(1) The existing text under the subheading “Speeding” is amended as follows:

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(A) Strike the phrase "\$75" after the phrase "Up to 10 mph in excess of limit [§ 2200]" and insert the phrase "\$50" in its place.

(B) Strike the phrase "\$125" after the phrase "11 to 15 mph in excess of limit [§ 2200]" and insert the phrase "\$92" in its place.

(C) Strike the phrase "150" after the phrase "16 to 20 mph in excess of limit [§ 2200]" and insert the phrase "\$100" in its place.

(D) Strike the phrase "\$200" after the phrase "21 to 25 mph in excess of limit [§ 2200]" and insert the phrase "\$150" in its place.

(2) The existing text under the subheading "Intersection" is amended by striking the phrase "\$100" after the phrase "Failure to clear (including crosswalks) [§ 2201.11]" and inserting the phrase "\$50" in its place.

(3) The subheading "Right turn on red" and existing text is amended to read as follows:

"Right turn on red	
Failure to come to a complete stop before turning [§ 2103.7]	\$50
Failure to yield right-of-way to vehicle or pedestrian [§ 2103.7]	\$50
Violation of "No Turn on Red" sign [§ 4013]	\$50".

(4) The existing text under the subheading "Right-of-way" is amended by striking the phrase "\$250" after the phrase "Failure to stop and give right-of-way to pedestrian in roadway [§ 2208]" and inserting the phrase "\$75" in its place.

TITLE IV – APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE

Sec. 401. Applicability.

(a) Titles I and III shall apply as of April 19, 2013.

(b) Title II of this act shall apply as of the effective date of this act.

Sec. 402. Fiscal impact statement.

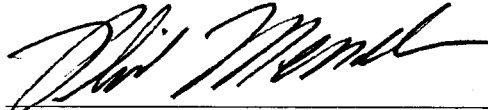
The Council adopts the December 18, 2012 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 403. Effective date.

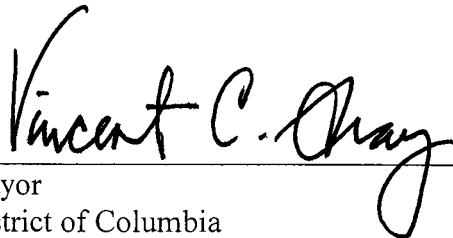
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

ENROLLED ORIGINAL

90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 22, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-51

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 17, 2013

To amend, on an emergency basis, due to Congressional review, the District of Columbia Implied Consent Act to clarify and organize provisions related to the chemical testing of breath, blood, and urine with regard to operation of vehicles and watercraft in the District, to clarify and strengthen provisions governing preliminary breath testing, implied consent to chemical testing, and refusal to submit specimens for chemical testing, to limit the persons permitted to withdraw blood for the purposes of chemical testing to medical professionals, to provide immunity from civil liability for medical professionals, law enforcement officers, and persons who assist them when they are engaged in the lawful withdrawal of blood, and to clarify the information related to chemical testing that is to be made available to a defendant; to amend the District of Columbia Traffic Act, 1925 to update definitions, to revise outdated language, to increase fines to make them proportional with the associated incarceration period, to create a new offense of leaving after colliding, and to create a new offense for an object falling or flying from a vehicle; to amend the Anti-Drunk Driving Act of 1982 to organize all impaired driving offenses and operating watercraft while impaired offenses together, to update and clarify definitions and provisions related to impaired driving, to create a new offense for operating a commercial vehicle while intoxicated or impaired, to clarify the provisions that require the imposition of mandatory-minimum sentences for alcohol or drug impairment offenses; to increase the mandatory-minimum sentences for people convicted of an impaired driving offense who have more than a stated level of alcohol concentration or who have prior impaired driving convictions; to amend the offense of operating a vehicle while impaired to allow the District to offer a plea option not only for people who operate a vehicle while impaired by the consumption of alcohol but also for people who are impaired by a drug or a combination of a drug and alcohol; to provide for a penalty for persons convicted of operating a vehicle while impaired when they have prior convictions for alcohol or drug impaired driving offenses; to provide that the alcohol concentration used nationally to revoke a commercial drivers license be used as the level for a per se impaired driving offense for drivers of commercial vehicles and vehicles for hire, and establishing a mandatory-minimum of 5 days incarceration for persons convicted of operating or being in physical control of those vehicles while impaired; to create a mandatory-minimum penalty for a person who is convicted of an impaired driving offense who at the time of the offense had a minor in the vehicle; to amend the

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Department of Forensic Sciences Establishment Act of 2011 to clarify and strengthen the District's breath test program; to amend the Establishment of the Office of the Chief Medical Examiner Act of 2000 to clarify the responsibility for blood and urine testing and to clarify and strengthen the District's breath test program; to amend section 14-307 of the District of Columbia Official Code to permit the release of medical information when a patient is charged with an impaired driving offense and where the patient caused the death of or injury to a human being; and to amend Chapter 10 of Title 25 of the District of Columbia Official Code to move boating while intoxicated to Title 50 and to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Amendment Act of 2013".

TITLE I -- COMPREHENSIVE IMPAIRED DRIVING

Sec. 101. The District of Columbia Implied Consent Act, approved October 21, 1972 (86 Stat. 1016; D.C. Official Code § 50-1901 *et seq.*), is amended as follows:

- (a) Sections 1, 2, 3, and 4 are designated as Title I.
- (b) Sections 5, 6, and 7 are designated as Title II.
- (c) The newly designated Title I is amended as follows:

(1) Section 1 (D.C. Official Code § 50-1901) is amended to read as follows:

"Sec. 1. Definitions.

"For the purposes of this act, the term:

"(1) "Chemical test" or "chemical testing" means any qualitative or quantitative procedure which is designed to demonstrate the existence or absence of a chemical compound or chemical group. Any handheld and portable breath testing instrument, otherwise known as a roadside breath test, is excluded from this definition.

"(2) "Collision" means an impact between the operator's vehicle, or anything attached to or transported by the vehicle, and anything else, regardless of whether it is a person, a wild or domestic animal, real property, or personal property.

"(3) "Commercial vehicle" means a vehicle used to transport passengers or property:

"(A) If the vehicle has a gross vehicle weight rating of greater than 26,000 pounds or a lesser rating as determined by federal regulation but not less than a gross vehicle weight rating of 10,001 pounds;

"(B) If the vehicle is designed to transport more than 15 passengers, including the driver;

"(C) If the vehicle is a locomotive or a streetcar;

"(D) If the vehicle is used to transport a material found to be hazardous by the Mayor in accordance with the D.C. Hazardous Materials Transportation and Motor Carrier Safety Act of 1988, effective March 16, 1989 (D.C. Law 7-190; D.C. Official Code § 8-

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1401 *et seq.*), or by the Secretary of Transportation in accordance with the Hazardous Materials Transportation Act, approved January 3, 1975 (88 Stat. 2156; 49 U.S.C. § 1801 *et seq.*); or

“(E) If the vehicle is a vehicle for hire.

“(4) “Court” means the Superior Court of the District of Columbia, except when used in the definition of “prior offense” when it shall also include courts of other jurisdictions.

“(5) “Drug” means any chemical substance that affects the processes of the mind or body, including but not limited to a controlled substance as defined in section 102(4) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02(4)), and any prescription or non-prescription medication.

“(6) “Highway” means any street, road, or public thoroughfare, or the entire width between the boundary lines of every publicly or privately maintained way, when any part thereof is open to the use of the public for purposes of vehicular or pedestrian travel.

“(7) “Impaired” means a person’s ability to operate or be in physical control of a vehicle is affected, due to consumption of alcohol or a drug or a combination thereof, in a way that can be perceived or noticed.

“(8) “Intoxicated” means:

“(A) Except as provided in subparagraph (B) of this paragraph, that:

“(i) An alcohol concentration at the time of testing of 0.08 grams or more per 100 milliliters of the person’s blood or per 210 liters of the person’s breath, or of 0.10 grams or more per 100 milliliters of the person’s urine; or

“(ii) Any measurable amount of alcohol in the person’s blood, urine, or breath if the person is under 21 years of age.

“(B) If operating or in physical control of a commercial vehicle, that:

“(i) An alcohol concentration at the time of testing of 0.04 grams or more per 100 milliliters of the person’s blood or per 210 liters of the person’s breath, or of 0.08 grams or more per 100 milliliters of the person’s urine; or

“(ii) Any measurable amount of alcohol in the person’s blood, urine, or breath if the person is under 21 years of age.

“(9) “Law enforcement officer” means a sworn member of the Metropolitan Police Department or a sworn member of any other police force operating in the District of Columbia.

“(10) “License” means any operator’s permit or any other license or permit to operate a motor vehicle issued under the laws of the District, including:

“(A) Any temporary or learner's permit;

“(B) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and

“(C) Any nonresident's operating privilege.

“(11) “Mayor” means the Mayor of the District, or his or her designee.

“(12) “Measurable amount” means any amount of alcohol capable of being, but not required to be, measured.

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“(13) “Medical professional” means a physician, registered nurse, licensed practical nurse, or any person who by certification or licensure is qualified to draw blood.

“(14) “Motor vehicle” means all vehicles propelled by internal combustion engines, electricity, or steam. The term “motor vehicle” shall not include personal mobility devices, as defined by section 2(13) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability.

“(15) “Nonresident” shall include any person who is not a resident of the District.

“(16) “Nonresident’s operating privilege” means the privilege conferred upon a nonresident by the laws of the District relating to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in the District.

“(17) “Prior offense” means any guilty plea or verdict, including a finding of guilty in the case of a juvenile, for an offense under District law or a disposition in another jurisdiction for a substantially similar offense which occurred prior to the current offense regardless of when the arrest occurred. The term “prior offense” does not include an offense where the later of any term of incarceration, supervised release, parole, or probation ceased or expired more than 15 years before the arrest on the current offense.

“(18) “Specimen” means that quantity of a person’s blood, breath, or urine necessary to conduct chemical testing to determine alcohol or drug content. A single specimen may be comprised of multiple breaths into a breath test instrument if such is necessary to complete a valid breath test, or a single blood draw or single urine sample regardless of how many times the blood or urine sample is tested.

“(19) “Vehicle” means any appliance, conveyance, or carrier that moves over a highway on wheels or traction tread, including street cars, draft animals, and beasts of burden.

“(20) “Vehicle for hire” means:

“(A) Any motor vehicle operated in the District by a private concern or individual as an ambulance, funeral car, or sightseeing vehicle, or for which the rate is fixed solely by the hour;

“(B) Any motor vehicle operated in the District by a private concern used for services including transportation paid for by a hotel, venue, or other third party;

“(C) Any motor vehicle used to provide transportation within the District between fixed termini or on a schedule, including vehicles operated by the Washington Metropolitan Area Transit Authority or other public authorities, not including rental cars; or

“(D) Any other vehicle that provides transportation for a fee not operated on a schedule or between fixed termini and operating in the District; including taxicabs, limousines, party buses, and pedicabs.”

(2) Section 2 (D.C. Official Code § 50-1902) is repealed.

(3) Section 3 (D.C. Official Code § 50-1903) is amended to read as follows:

“Sec. 3. (a) Only a medical professional acting at the request of a law enforcement officer may withdraw blood, subject to the provisions of this act, for the purpose of determining the alcohol or drug content thereof. This limitation shall not apply to the taking of breath or urine specimens.

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“(b)(1) Except as provided in paragraph (2) of this subsection, the following persons are immune from criminal and civil liability based upon a claim of assault and battery, or any other claim that is not a claim of malpractice, for any act performed in collecting a person’s blood:

“(A) Any law enforcement officer who assists in the collection of specimens from a person pursuant to this section;

“(B) Any medical professional, staff, or security personnel who collects or assists in the collection of specimens from a person pursuant to this section; and

“(C) Any hospital, first-aid station, clinic, or other location where specimens are collected from a person pursuant to this section.

“(2) The immunity provided in this subsection shall not apply to a person who collects or assists in the collection of specimens if that person commits gross negligence or engages in intentionally wrongful conduct.”

(4) Section 4 (D.C. Official Code § 50-1904) is amended to read as follows:

“Sec. 4. Full information concerning the chemical test results administered under this act, including records as provided in section 7(h)(3) of the Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.06), shall be made available to the person from whom specimens were obtained pursuant to Rule 16 of the District of Columbia Superior Court Rules of Criminal Procedure.”

(d) The newly designated Title II is amended as follows:

(1) New sections 4a and 4b are added to read as follows:

“Sec. 4a. (a) When a law enforcement officer has reasonable grounds to believe that a person was operating or in physical control of a vehicle within the District while intoxicated or while the person’s ability to operate a vehicle is impaired by the consumption of alcohol or a drug or a combination thereof, the law enforcement officer may, without making an arrest or issuing a violation notice, request that the person submit to a preliminary breath test, to be administered by the law enforcement officer, who shall use a device which the Mayor has approved by rule for that purpose.

“(b) Before administering the test, the law enforcement officer shall advise the person to be tested that the preliminary breath test is voluntary and that the results of the test will be used to aid in the law enforcement officer's decision whether to arrest the person.

“(c) The results of the preliminary breath test shall be used by the law enforcement officer to aid in the decision whether to arrest the person, and the results of the test shall not be used as evidence by the District in any prosecutions and shall not be admissible in any judicial proceeding except in any judicial or other proceeding in which the validity of the arrest or the conduct of the law enforcement officer is an issue.

“Sec. 4b. (a) Except as provided in subsection (b) of this section, when a law enforcement officer has reasonable grounds to believe that a person was operating or in physical control of a motor vehicle within the District while intoxicated or while the person’s ability to operate a motor vehicle is impaired by the consumption of alcohol or a drug or a combination thereof, after arrest of the person, the person shall:

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“(1) Except as provided in paragraph (2) of this subsection, be deemed to have given his or her consent, subject to the provisions of this act, to submitting 2 specimens for chemical testing of the person’s blood, breath, or urine, for the purpose of determining alcohol or drug content; and

“(2) Submit 2 specimens for chemical testing of his or her blood, breath, or urine for the purpose of determining alcohol or drug content when he or she is involved in a collision in the District.

“(b) When a person is required to submit specimens for chemical testing pursuant to subsection (a) of this section, a law enforcement officer shall elect which types of specimens will be collected from the person and the law enforcement officer or a medical professional shall collect the specimen subject to the restriction in section 3(a); provided, that the person may object to a particular type of specimen collection for chemical testing on valid religious or medical grounds. If a person objects to blood collection on valid religious or medical grounds, that person shall only be required to submit breath or urine specimens for collection.

“(c) In addition to submitting specimens for chemical testing as provided in this section, a person may also submit specimens for chemical testing administered to him or her by a medical professional of his or her own choosing. The failure or inability of the person to obtain additional specimens or chemical tests shall not preclude the admission of chemical tests results that were the product of the law enforcement officer’s request under this section.

“(d) Before collecting specimens for chemical testing, the law enforcement officer shall advise the operator of the motor vehicle about the requirements of this act.”.

(2) Section 5 (D.C. Official Code § 50-1905) is amended to read as follows:

“Sec. 5. (a)(1) If a person under arrest refuses to submit specimens for chemical testing as provided in section 4b(a), he or she shall be informed that failure or refusal to submit to chemical testing will result in the revocation of his or her license or privilege to drive in the District of Columbia as provided in this section.

“(2) If a person, after having been informed as provided in paragraph (1) of this subsection, still refuses to submit to chemical testing, no test shall be given, but the Mayor, upon receipt of a sworn report of the law enforcement officer that he or she had reasonable grounds to believe the arrested person had been driving or was in physical control of a motor vehicle upon the highways while the person was intoxicated or while the person’s ability to operate a motor vehicle was impaired by the consumption of alcohol or a drug or a combination thereof, and that the person had refused to submit 2 specimens for chemical testing, shall:

“(A) Revoke his or her license or privilege to drive in the District of Columbia for a period of 12 months; or

“(B) Deny the person the issuance of a license, if the person is without a license to operate a motor vehicle in the District, for a period of 12 months after the date of the alleged violation.

“(b) If a person under arrest refuses to submit specimens for chemical testing as provided in section 4b(a), and the person has had a conviction for a prior offense under sections 3b, 3c, or 3e of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C.

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Official Code § 50-2205.02 *et seq.*), there shall be a rebuttable presumption that the person is under the influence of alcohol or a drug or any combination thereof.

“(c) If a person under arrest refuses to submit specimens for chemical testing as provided in section 4b(a), evidence of such refusal shall be admissible in any civil or criminal proceeding arising as a result of the acts alleged to have been committed by the person before the arrest.

“(d)(1) If a person under arrest refuses to submit specimens for chemical testing as provided in section 4b(a) and the person was involved in a collision that resulted in a fatality, except as provided in paragraph (2) of this subsection, a law enforcement officer may employ whatever means are reasonable to collect blood specimens from the person if the law enforcement officer has reasonable grounds to believe that the person was intoxicated or under the influence of alcohol or of any drug or any combination thereof.

“(2) If a person required to submit blood testing under paragraph (1) of this subsection objects on valid religious or medical grounds, that person shall not be required to submit blood specimens but the law enforcement officer may employ whatever means are reasonable to collect breath or urine specimens from the person if the law enforcement officer has reasonable grounds to believe that the person was intoxicated or under the influence of alcohol or of any drug or any combination thereof.”

(3) Section 6(a) (D.C. Official Code § 50-1906(a)) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

“(1) Whether a law enforcement officer had reasonable grounds to believe such person had been operating or was in physical control of a motor vehicle upon the highway while intoxicated or while the person's ability to operate a motor vehicle was impaired by alcohol or a drug or any combination thereof; and,”

(B) Paragraph (2) is amended by striking the phrase “submit to the test or tests” and inserting the phrase “submit specimens for chemical testing” in its place.

(4) Section 7 (D.C. Official Code § 50-1907) is amended as follows:

(A) Strike the phrase “his license” and insert the phrase “his or her license” in its place.

(B) Strike the phrase “him a license” and insert the phrase “him or her a license” in its place.

(C) Strike the word “Act” and insert the word “title” in its place.

(e) A new Title III is added to read as follows:

“TITLE III.

“Sec. 7a. Definitions.

For the purposes of this title, the term:

“(1) “Collision” means an impact between the operator’s watercraft, or anything attached to or transported by the watercraft, and anything else, regardless of whether it is a person, a wild or domestic animal, real property, or personal property.

“(2) “Watercraft” means a boat, ship, or other craft used for water transportation, as well as water skis, aquaplane, sailboard, or similar vessel.

“Sec. 7b. (a) When a law enforcement officer has reasonable grounds to believe that a person is or has been operating or in physical control of a watercraft within the District while

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intoxicated or while the person's ability to operate a watercraft is impaired by the consumption of alcohol or a drug or a combination thereof, the law enforcement officer may, without making an arrest or issuing a violation notice, request that the person submit to a preliminary breath test, to be administered by the law enforcement officer, who shall use a device which the Mayor has approved by rule for that purpose.

“(b) Before administering the test, the law enforcement officer shall advise the person to be tested that the test is voluntary and that the results of the test will be used to aid in the law enforcement officer's decision whether to arrest the person.

“(c) The results of the preliminary breath test shall be used by the law enforcement officer to aid in the decision whether to arrest the person, and the results of the test shall not be used as evidence by the District in any prosecutions and shall not be admissible in any judicial proceeding except in any judicial or other proceeding in which the validity of the arrest or the conduct of the law enforcement officer is an issue.

“Sec. 7c. (a) Except as provided in subsection (b) of this section, any person who operates or who is in physical control of any watercraft within the District and a law enforcement officer has reasonable grounds to believe that the person is operating or in physical control of a watercraft while intoxicated or while the person's ability to operate a watercraft is impaired by the consumption of alcohol or a drug or a combination thereof, after arrest shall:

“(1) Except as provided in paragraph (2) of this subsection, be deemed to have given his or her consent, subject to the provisions of this act, to submitting 2 specimens for chemical testing of the person's blood, breath, or urine, for the purpose of determining alcohol or drug content; and

“(2) Submit 2 specimens for chemical testing of his or her blood, breath, or urine for the purpose of determining alcohol or drug content when he or she is involved in a collision in the District.

“(b) When a person is required to submit specimens for chemical testing pursuant to subsection (a) of this section, a law enforcement officer shall elect which types of specimens will be collected from the person and the law enforcement officer or a medical professional shall collect the specimen subject to the restriction in section 3(a); provided, that the person may object to a particular type of specimen collection for chemical testing on valid religious or medical grounds. If a person objects to blood collection on valid religious or medical grounds, that person shall only be required to submit breath or urine specimens for collection.

“(c) In addition to submitting specimens for chemical testing as provided in this section, a person may also submit specimens for chemical testing administered to him or her by a medical professional of his or her own choosing. The failure or inability of the person to obtain additional specimens or chemical tests shall not preclude the admission of chemical tests results that were the product of the law enforcement officer's request.

“(d) Before collecting specimens for chemical testing, the law enforcement officer shall advise the operator of the watercraft about the requirements of this act.

“Sec. 7d. (a) If a person under arrest refuses to submit specimens for chemical testing as provided in section 7c(a), he or she shall be informed that failure or refusal to submit to chemical

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testing will result in his or her inability to operate a watercraft in the District of Columbia as provided in section 7e.

“(b) If a person under arrest refuses to submit specimens for chemical testing as provided in section 7c(a), and the person has a prior offense under sections 3j or 3k of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2205.02 *et seq.*), there shall be a rebuttable presumption that the person is under the influence of alcohol or a drug or any combination thereof.

“(c) If a person under arrest refuses to submit specimens for chemical testing as provided in section 7c(a), evidence of such refusal shall be admissible in any civil or criminal proceeding arising as a result of the acts alleged to have been committed by the person before the arrest.

“(d)(1) If a person under arrest refuses to submit specimens for chemical testing as provided in section 7c(a), and the person was involved in a collision that resulted in a fatality, except as provided in paragraph (2) of this subsection, a law enforcement officer may employ whatever means are reasonable to collect blood specimens from the person if the law enforcement officer has reasonable grounds to believe that the person was intoxicated or was under the influence of alcohol or of any drug or any combination thereof.

“(2) If a person required to submit to blood collection under paragraph (1) of this subsection objects on valid religious or medical grounds, that person shall not be required to submit blood specimens but the law enforcement officer may employ whatever means are reasonable to collect breath or urine specimens from the person if the law enforcement officer has reasonable grounds to believe that the person was intoxicated or was under the influence of alcohol or of any drug or any combination thereof.

“Sec. 7e. If a person refuses to submit to chemical testing under this title, the Superior Court of the District of Columbia shall order the person not to operate any watercraft for at least one year. A refusal to submit to any test as required by this section shall be punishable by a \$500 fine, imprisonment of 90 days, or both.”.

Sec. 102. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 50-2201.02) is amended to read as follows:

“Sec. 2. Definitions.

“For the purposes of this act, the term:

“(1) “Alcohol” means a liquid, gas, or solid, containing ethanol from whatever source or by whatever processes produced, whether or not intended for human consumption.

“(2) “All-terrain vehicle” or “ATV” means any motor vehicle with not less than 3 low-pressure tires, but not more than 6 low-pressure tires, designed primarily for off-road use and which has a seat or saddle designed to be straddled by the operator. The terms “all-terrain vehicle” and “ATV” shall not include golf carts, riding lawnmowers, or tractors.

“(3) “Collision” means an impact between the operator’s vehicle, or anything attached to or transported by the vehicle, and anything else, regardless of whether it is a person, a wild or domestic animal, real property, or personal property.

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“(4) “Commercial vehicle” means a vehicle used to transport passengers or property:

“(A) If the vehicle has a gross vehicle weight rating of greater than 26,000 pounds or a lesser rating as determined by federal regulation but not less than a gross vehicle weight rating of 10,001 pounds;

“(B) If the vehicle is designed to transport more than 15 passengers, including the driver;

“(C) If the vehicle is a locomotive or a streetcar;

“(D) If the vehicle is used to transport a material found to be hazardous by the Mayor in accordance with the D.C. Hazardous Materials Transportation and Motor Carrier Safety Act of 1988, effective March 16, 1989 (D.C. Law 7-190; D.C. Official Code § 8-1401 *et seq.*), or by the Secretary of Transportation in accordance with the Hazardous Materials Transportation Act, approved January 3, 1975 (88 Stat. 2156; 49 U.S.C. § 1801 *et seq.*); or

“(E) If the vehicle is a vehicle for hire.

“(5) “Court” means the Superior Court of the District of Columbia, except when used in the definition of “prior offense” when it shall also include courts of other jurisdictions.

“(6) “Dirt bike” means any motorcycle designed primarily for off-road use.

“(7) “Highway” means any street, road, or public thoroughfare, or the entire width between the boundary lines of every publicly or privately maintained way, when any part thereof is open to the use of the public for purposes of vehicular or pedestrian travel.

“(8) “Identifying information” means the name, complete address, and telephone number of the operator of the vehicle; if the owner of the vehicle is different from the operator of the vehicle, the name, complete address, and telephone number of the owner of the vehicle operated; the tag number of the vehicle operated or, if no tag number, the vehicle identification number; and insurance information for the vehicle operated.

“(9) “Law enforcement officer” means a sworn member of the Metropolitan Police Department or a sworn member of any other police force operating in the District of Columbia.

“(10) “Mayor” means the Mayor of the District of Columbia or his or her designee.

“(11) “Motor vehicle” means all vehicles propelled by internal-combustion engines, electricity, or steam. The term “motor vehicle” shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, personal mobility devices, as defined in paragraph (13) of this section, or a battery-operated wheelchair when operated by a person with a disability.

“(12) “Park” means to leave any motor vehicle standing on a highway, whether or not attended.

“(13) “Personal mobility device” or “PMD” means a motorized propulsion device designed to transport one person or a self-balancing, two non-tandem wheeled device, designed to transport only one person with an electric propulsion system, but does not include a battery-operated wheelchair.

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“(14) “Prior offense” means any guilty plea or verdict, including a finding of guilty in the case of a juvenile, for an offense under District law or a disposition in another jurisdiction for a substantially similar offense which occurred before the current offense regardless of when the arrest occurred. The term “prior offense” does not include an offense where the later of any term of incarceration, supervised release, parole, or probation ceased or expired more than 15 years prior to the arrest on the current offense.

“(15) “This act” includes all lawful regulations issued thereunder by the Council of the District of Columbia and all lawful rules issued thereunder by the Mayor of the District of Columbia or his designated agent.

“(16) “Traffic” includes not only motor vehicles but also all vehicles, pedestrians, and animals, of every description.

“(17) “Vehicle” includes any appliance moved over a highway on wheels or traction tread, including street cars, draft animals, and beasts of burden.

“(18) “Vehicle conveyance fee” shall have the same meaning as provided in section 102(9) of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.02(9)).

“(19) “Vehicle for hire” means:

“(A) Any motor vehicle operated in the District by a private concern or individual as an ambulance, funeral car, sightseeing vehicle, or for which the rate is fixed solely by the hour;

“(B) Any motor vehicle operated in the District by a private concern used for services including transportation paid for by a hotel, venue, or other third party;

“(C) Any motor vehicle used to provide transportation within the District between fixed termini or on a schedule, including vehicles operated by the Washington Metropolitan Area Transit Authority or other public authorities, not including rental cars; or

“(D) Any other vehicle that provides transportation for a fee not operated on a schedule or between fixed termini and operating in the District, including taxicabs, limousines, party buses, and pedicabs.

“(20) “Work zone” means the area of a highway or roadway that is affected by construction, maintenance, or utility work activities, including the area delineated by and within all traffic control devices erected or installed to guide vehicular, pedestrian, and bicycle traffic.”

(b) Section 6 (D.C. Official Code § 50-2201.03) is amended as follows:

(1) Subsection (b) is amended as follows:

(A) Strike the word “he” and insert the phrase “he or she” in its place.

(B) Strike the word “his” and insert the phrase “his or her” in its place.

(2) Subsection (d) is amended as follows:

(A) Strike the word “he” and insert the phrase “he or she” in its place.

(B) Strike the word “his” and insert the phrase “his or her” in its place.

(C) Strike the word “him” and insert the phrase “him or her” in its place.

(D) Strike the phrase “\$1,000” and insert the phrase “\$2,500” in its place.

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(3) Subsection (f) is amended by striking the phrase “\$300” and inserting the phrase “\$500” in its place.

(4) Subsection (j) is amended as follows:

(A) Paragraph (2) is amended as follows:

(i) Strike the word “his” and insert the phrase “his or her” in its place.

(ii) Strike the word “he” and insert the phrase “he or she” in its place.

(B) Paragraph (3)(E) is amended by striking the word “his” and inserting the phrase “his or her” in its place.

(5) Subsection (k) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase “an officer” and inserting the phrase “a law enforcement officer” in its place.

(B) Paragraph (2) is amended by striking the word “officer” and inserting the phrase “law enforcement officer” in its place.

(c) Section 9(c) (D.C. Official Code § 50-2201.04(c)) is amended by striking the phrase “\$1,000” and inserting the phrase “\$2,500” in its place.

(d) Section 9b(c) (D.C. Official Code § 50-2201.04b(c)) is amended by striking the phrase “\$1,000” and inserting the phrase “\$250” in its place.

(e) Section 10 (D.C. Official Code § 50-2201.05) is repealed.

(f) Section 10b(b)(2) (D.C. Official Code § 50-2201.05b(b)(2)) is amended by striking the phrase “\$5,000” and inserting the phrase “\$12,500” in its place.

(g) New sections 10c and 10d are added to read as follows:

“Sec. 10c. Leaving after colliding.

“(a) Any person who operates or who is in physical control of a vehicle within the District who knows or has reason to believe that his or her vehicle has been in a collision shall immediately stop and:

“(1) Where another person is injured, call or cause another to call 911 or call or cause another to call for an ambulance or other emergency assistance if necessary, remain on the scene until law enforcement arrives, and provide identifying information to law enforcement and to the injured person;

“(2) Where real or personal property belonging to another is damaged or a domestic animal is injured, provide identifying information to the owner or operator of the property or the owner of the domestic animal or, where the owner or operator of the property or the owner of the domestic animal is not present, provide or cause another to provide identifying information and the location of the collision, to law enforcement or 911; or

“(3) Where real or personal property or a wild or domestic animal, as a result of the collision, poses a risk to others, call or cause another to call 911 and provide identifying information, the location of the collision, and a description of the nature of the risk posed to others.

“(b) It is an affirmative defense to a violation of subsection (a) of this section, which the defendant must show by a preponderance of the evidence, that the defendant’s failure to stop or

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his or her failure to remain on the scene was based on a reasonable belief that his or her personal safety, or the safety of another, was at risk and that he or she called 911, or otherwise notified law enforcement, as soon as it was safe to do so, provided identifying information, provided a description of the collision, including the location of the collision or event, and followed the instructions of the 911 operator or a law enforcement officer.

“(c) It is not a defense to a violation of this section that the defendant:

“(1) Was intoxicated, impaired in any way, or distracted; or

“(2) Was not at fault for the collision.

“(d)(1)(A) A person violating subsection (a)(1) of this section shall upon conviction for the first offense be fined not more than \$1,000, or incarcerated for not more than 180 days, or both.

“(B) A person violating subsection (a)(1) of this section when the person has a prior offense under subsection (a)(1) of this section and is being sentenced on the current offense shall be fined not more than \$2,500, or imprisoned not more than one year, or both.

“(2)(A) A person violating subsection (a)(2) or (a)(3) of this section shall upon conviction for the first offense be fined not more than \$250, or incarcerated for not more than 30 days, or both.

“(B) A person violating subsection (a)(2) or (3) of this section when the person has a prior offense under subsection (a)(2) or (a)(3) of this section and is being sentenced on the current offense shall be fined not more than \$500, or imprisoned not more than 90 days, or both.

“Sec. 10d. Object falling or flying from vehicle.

“(a) Any person who operates or who is in physical control of a vehicle within the District who knows or has reason to believe that an object likely to cause damage has detached from, fallen, or flown from his or her vehicle shall immediately stop and:

“(1) Where another person is injured, call or cause another to call 911 or call or cause another to call for an ambulance or other emergency assistance if necessary, remain on the scene until law enforcement arrives, and provide identifying information to law enforcement and to the injured person;

“(2) Where real or personal property belonging to another is damaged or a domestic animal is injured, provide identifying information to the owner or operator of the property or the owner of the domestic animal or, where the owner or operator of the property or the owner of the domestic animal is not present, provide or cause another to provide identifying information and the location of the event, to law enforcement or 911; or

“(3) Where real or personal property or a wild or domestic animal, as a result of the event, poses a risk to others, call or cause another to call 911 and provide identifying information, the location of the collision, and a description of the nature of the risk posed to others.

“(b) It is an affirmative defense to a violation of subsection (a) of this section, which the defendant must show by a preponderance of the evidence, that the defendant’s failure to stop or his or her failure to remain on the scene was based on a reasonable belief that his or her personal safety, or the safety of another, was at risk and that he or she called 911, or otherwise notified

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law enforcement, as soon as it was safe to do so, provided identifying information, provided a description of the event, including the location of the event, and followed the instructions of the 911 operator or a law enforcement officer.

“(c) It is not a defense to a violation of this section that the defendant:

“(1) Was intoxicated, impaired in any way, or distracted; or

“(2) Was not at fault for the object falling from or flying from the vehicle.

“(d)(1) A person violating any provision of subsection (a) of this section shall upon conviction for the first offense be fined not more than \$500, or incarcerated for not more than 60 days, or both.

“(2) A person violating any provision of subsection (a) of this section when the person has a prior offense under subsection (a) of this section and is being sentenced on the current offense shall be fined not more than \$500, or imprisoned not more than 90 days, or both.”.

(h) Section 16(b) (D.C. Official Code § 50-2201.07) is amended as follows:

(1) Strike the word “he” and insert the phrase “he or she” in its place,

(2) Strike the word “his” and insert the phrase “his or her” in its place.

Sec. 103. The Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2205.02 *et seq.*), is amended as follows:

(a) Sections 2 and 3 are designated as Subtitle A of Title I.

(b) Sections 4 through 11 are designated as Title II.

(c) Section 12 and 13 are designated as Title III.

(d) Section 14 is designated as Title IV.

(e) The newly designated Title I is amended as follows:

(1) A title heading is added to read as follows:

“TITLE I -- IMPAIRED OPERATING OR DRIVING”.

(2) The newly designated Subtitle A is amended as follows:

(A) Section 2 (D.C. Official Code § 50-2205.02) is repealed.

(B) Section 3 (D.C. Official Code § 50-2205.03) is repealed.

(C) A new section 3a is added to read as follows:

“Sec. 3a. Definitions.

“For the purposes of this title, the term:

“(1) “Active metabolite” means an active form of a drug after it has been processed by the body.

“(2) “Alcohol” means a liquid, gas, or solid, containing ethanol from whatever source or by whatever processes produced, whether or not intended for human consumption.

“(2) “Chemical test” or “chemical testing” means any qualitative or quantitative procedure which is designed to demonstrate the existence or absence of a chemical compound or chemical group. Any handheld and portable breath testing instrument, otherwise known as a roadside breath test, is excluded from this definition.

“(3) “Commercial vehicle” means a vehicle used to transport passengers or property:

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“(A) If the vehicle has a gross vehicle weight rating of greater than 26,000 pounds or a lesser rating as determined by federal regulation but not less than a gross vehicle weight rating of 10,001 pounds;

“(B) If the vehicle is designed to transport more than 15 passengers, including the driver;

“(C) If the vehicle is a locomotive or a streetcar;

“(D) If the vehicle is used to transport a material found to be hazardous by the Mayor in accordance with the D.C. Hazardous Materials Transportation and Motor Carrier Safety Act of 1988, effective March 16, 1989 (D.C. Law 7-190; D.C. Official Code § 8-1401 *et seq.*), or by the Secretary of Transportation in accordance with the Hazardous Materials Transportation Act, approved January 3, 1975 (88 Stat. 2156; 49 U.S.C. § 1801 *et seq.*); or

“(E) If the vehicle is a vehicle for hire.

“(5) “Court” means the Superior Court of the District of Columbia, except when used in the definition of “prior offense” when it shall also include courts of other jurisdictions.

“(6) “Drug” means any chemical substance that affects the processes of the mind or body, including but not limited to a controlled substance as defined in section 102(4) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02(4)), and any prescription or non-prescription medication.

“(7) “Highway” means any street, road, or public thoroughfare, or the entire width between the boundary lines of every publicly or privately maintained way, when any part thereof is open to the use of the public for purposes of vehicular or pedestrian travel.”

“(8) “Impaired” means a person’s ability to operate or be in physical control of a vehicle is affected, due to consumption of alcohol or a drug or a combination thereof, in a way that can be perceived or noticed.

“(9) “Intoxicated” means:

“(A) Except as provided in subparagraph (B) of this paragraph, that:

“(i) An alcohol concentration at the time of testing of 0.08 grams or more per 100 milliliters of the person’s blood or per 210 liters of the person’s breath, or of 0.10 grams or more per 100 milliliters of the person’s urine; or

“(ii) Any measurable amount of alcohol in the person’s blood, urine, or breath if the person is under 21 years of age.

“(B) If operating or in physical control of a commercial vehicle, that:

“(i) An alcohol concentration at the time of testing of 0.04 grams or more per 100 milliliters of the person’s blood or per 210 liters of the person’s breath, or of 0.08 grams or more per 100 milliliters of the person’s urine; or

“(ii) Any measurable amount of alcohol in the person’s blood, urine, or breath if the person is under 21 years of age.

“(10) “Law enforcement officer” means a sworn member of the Metropolitan Police Department or a sworn member of any other police force operating in the District of Columbia.

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“(11) “Mandatory-minimum term of incarceration” means a term of incarceration which shall be imposed and cannot be suspended by the court. The person shall not be released or granted probation, or granted suspension of sentence before serving the mandatory-minimum sentence.

“(12) “Mayor” means the Mayor of the District of Columbia or his or her designee.

“(13) “Measurable amount” means any amount of alcohol capable of being, but not required to be, measured.

“(14) “Minor” means a person under the age of 18 years.

“(15) “Motor vehicle” means all vehicles propelled by internal-combustion engines, electricity, or steam. The term “motor vehicle” shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, personal mobility devices, as defined by paragraph (16) of this section, or a battery-operated wheelchair when operated by a person with a disability.

“(16) “Personal mobility device” or “PMD” means a motorized propulsion device designed to transport one person or a self-balancing, 2 non-tandem wheeled device, designed to transport only one person with an electric propulsion system, but does not include a battery-operated wheelchair.

“(17) “Prior offense” means any guilty plea or verdict, including a finding of guilty in the case of a juvenile, for an offense under District law or a disposition in another jurisdiction for a substantially similar offense which occurred before the current offense regardless of when the arrest occurred. The term “prior offense” does not include an offense where the later of any term of incarceration, supervised release, parole, or probation ceased or expired more than 15 years before the arrest on the current offense.

“(18) “Specimen” means that quantity of a person’s blood, breath, or urine necessary to conduct chemical testing to determine alcohol or drug content. A single specimen may be comprised of multiple breaths into a breath test instrument if necessary to complete a valid breath test, or a single blood draw or single urine sample regardless of how many times the blood or urine sample is tested.

“(19) “This title” includes all lawful regulations issued thereunder by the Council of the District of Columbia and all lawful rules issued thereunder by the Mayor of the District of Columbia or his designated agent.

“(20) “Traffic” includes not only motor vehicles but also all vehicles, pedestrians, and animals, of every description.

“(21) “Vehicle” includes any appliance moved over a highway on wheels or traction tread, including street cars, draft animals, and beasts of burden.

“(22) “Vehicle for hire” means:

“(A) Any motor vehicle operated in the District by a private concern or individual as an ambulance, funeral car, sightseeing vehicle, or for which the rate is fixed solely by the hour;

“(B) Any motor vehicle operated in the District by a private concern used for services including transportation paid for by a hotel, venue, or other third party;

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“(C) Any motor vehicle used to provide transportation within the District between fixed termini or on a schedule, including vehicles operated by the Washington Metropolitan Area Transit Authority or other public authorities, not including rental cars; or

“(D) Any other vehicle that provides transportation for a fee not operated on a schedule or between fixed termini and operating in the District, including taxicabs, limousines, party buses, and pedicabs.

“(23) “Watercraft” means a boat, ship, or other craft used for water transportation, as well as water skis, an aquaplane, a sailboard, or a similar vessel.

(3) New Subtitles B, C, and D are added to read as follows:

“SUBTITLE B.

“Sec. 3b. Driving under the influence of alcohol or a drug.

“No person shall operate or be in physical control of any vehicle in the District:

“(1) While the person is intoxicated; or

“(2) While the person is under the influence of alcohol or any drug or any combination thereof.

“Sec. 3c. Driving under the influence of alcohol or a drug; commercial vehicle.

“No person shall operate or be in physical control of any commercial vehicle in the District:

“(1) While the person is intoxicated; or

“(2) While the person is under the influence of alcohol or any drug or any combination thereof.

“Sec. 3d. Penalties for driving under the influence of alcohol or a drug.

“(a) Except as provided in subsections (b) and (c) of this section, a person violating any provision of section 3b or 3c shall upon conviction for the first offense be fined \$1,000, or incarcerated for not more than 180 days, or both; provided, that:

“(1) A 10-day mandatory-minimum term of incarceration shall be imposed if the person’s alcohol concentration was at least 0.20 grams per 100 milliliters of blood or per 210 liters of breath, or was at least 0.25 grams per 100 milliliters of urine; or

“(2) A 15-day mandatory-minimum term of incarceration shall be imposed if the person’s alcohol concentration was more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath or 0.32 grams per 100 milliliters of urine; or

“(3) A 20-day mandatory-minimum term of incarceration shall be imposed if the person’s alcohol concentration was more than 0.30 grams per 100 milliliters of blood or per 210 liters of breath or 0.39 grams per 100 milliliters of urine; and

“(4) A 15-day mandatory-minimum term of incarceration shall be imposed if the person’s blood or urine contains a Schedule I chemical or controlled substance as listed in section 204 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-902.04), Phencyclidine, Cocaine, Methadone, Morphine, or one of its active metabolites or analogs.

“(b) A person violating any provision of section 3b or 3c when the person has a prior offense under section 3b, 3c, or 3e and is being sentenced on the current offense shall be fined not less than \$2,500 and not more than \$5,000, or incarcerated for not more than one year, or

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both; provided, that a 10-day mandatory-minimum term of incarceration shall be imposed, and in addition :

“(1) A 15-day mandatory-minimum term of incarceration shall be imposed if the person’s alcohol concentration was at least 0.20 grams per 100 milliliters of blood or per 210 liters of breath, or was at least 0.25 grams per 100 milliliters of urine; or

“(2) A 20-day mandatory-minimum term of incarceration shall be imposed if the person’s alcohol concentration was more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath or more than 0.32 grams per 100 milliliters of urine; or

“(3) A 25-day mandatory-minimum term of incarceration shall be imposed if the person’s alcohol concentration was more than 0.30 grams per 100 milliliters of blood or per 210 liters of breath or 0.39 grams per 100 milliliters of urine; and

“(4) A 20-day mandatory-minimum term of incarceration shall be imposed if the person’s blood or urine contains a Schedule I chemical or controlled substance as listed in section 204 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-902.04), Phencyclidine, Cocaine, Methadone, Morphine, or one of its active metabolites or analogs.

“(c) A person violating any provision of section 3b or 3c when the person has 2 or more prior offenses under section 3b, 3c, or 3e and is being sentenced on the current offense shall be fined not less than \$2,500 and not more than \$10,000, or incarcerated for not more than one year, or both; provided, that a 15-day mandatory-minimum term of incarceration shall be imposed, and in addition:

“(1) A 20-day mandatory-minimum term of incarceration shall be imposed if the person’s alcohol concentration was at least 0.20 grams per 100 milliliters of blood or per 210 liters of breath, or was at least 0.25 grams per 100 milliliters of urine; or

“(2) A 25-day mandatory-minimum term of incarceration shall be imposed if the person’s alcohol concentration was more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath or 0.32 grams per 100 milliliters of urine; or

“(3) A 30-day mandatory-minimum term of incarceration shall be imposed if the person’s alcohol concentration was more than 0.30 grams per 100 milliliters of blood or per 210 liters of breath or 0.39 grams per 100 milliliters of urine; and

“(4) A 25-day mandatory-minimum term of incarceration shall be imposed if the person’s blood or urine contains a Schedule I chemical or controlled substance as defined in section 204 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-902.04), Phencyclidine, Cocaine, Methadone, Morphine, or one of its active metabolites or analogs.

“(d) An additional 30-day mandatory-minimum term of incarceration shall be imposed for each additional violation of any one or more provisions of section 3b or 3c if the person has 3 prior offenses under section 3b, 3c, or 3e and is being sentenced on the current offense.

“Sec. 3e. Operating a vehicle while impaired.

“No person shall operate or be in physical control of any vehicle in the District while the person’s ability to operate or be in physical control of a vehicle is impaired by the consumption of alcohol or any drug or any combination thereof.

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“Sec. 3f. Penalty for operating a vehicle while impaired.

“(a) Except as provided in subsections (b) and (c) of this section, a person violating section 3e shall upon conviction for the first offense be fined \$500, or incarcerated for not more than 90 days, or both.

“(b) A person violating any provision of section 3e when the person has a prior offense under section 3b, 3c, or 3e and is being sentenced on the current offense shall be fined not less than \$1,000 and not more than \$2,500, or incarcerated for not more than one year, or both; provided, that a 5-day mandatory-minimum term of incarceration shall be imposed.

“(c) A person violating any provision of section 3e when the person has 2 or more prior offenses under section 3b, 3c, or 3e and is being sentenced on the current offense shall be fined not less than \$1,000 and not more than \$5,000, or incarcerated for not more than one year, or both; provided, that a 10-day mandatory-minimum term of incarceration shall be imposed.

“Sec. 3g. Operating under the influence of alcohol or a drug; horse-drawn vehicle.

“(a) No person shall operate or be in the physical control of any horse-drawn vehicle while under the influence of alcohol or any drug or any combination thereof.

“(b) A person violating the provisions of this section shall, upon conviction, shall be fined \$500, or be incarcerated for not more than 90 days, or both.

“(c) Civil penalties and fees may be imposed as alternative sanctions for any violation of this section in accordance with the procedures under the D.C. Hazardous Materials Transportation and Motor Carrier Safety Act of 1988, effective March 16, 1989 (D.C. Law 7-190; D.C. Official Code § 8-1401 *et seq.*).

“Sec. 3h. Additional penalty for driving under the influence of alcohol or a drug; commercial vehicle.

“A person violating any provision of section 3c shall, in addition to any applicable penalty under section 3d, be subject to an additional 5 day mandatory-minimum term of incarceration.

“Sec. 3i. Additional penalty for impaired driving with a minor in vehicle.

“A person convicted of any offense under this subtitle who, at the time of operation or physical control of the vehicle had a minor, other than him or herself, in the vehicle, shall, in addition to any applicable penalty under this subtitle:

“(1) Be fined a minimum of \$500 and not more than \$1,000 per minor; and

“(2) Be incarcerated for a mandatory-minimum term of incarceration of:

“(A) 5 days per minor if the minor or minors are restrained in, or by, an age-appropriate child passenger-safety restraint; or

“(B) 10 days per minor if the minor or minors are not restrained in, or by, an age-appropriate child passenger-safety restraint.

“SUBTITLE C.

“Sec. 3j. Operating under the influence of alcohol or a drug; watercraft.

“No person shall operate or be in physical control of any watercraft in the District:

“(1) While the person is intoxicated; or

“(2) While the person is under the influence of alcohol or any drug or any combination thereof.

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“Sec. 3k. Penalties for operating watercraft under the influence of alcohol or a drug.

“(a) Except as provided in subsections (b) and (c) of this section, a person violating any provision of section 3j shall upon conviction for the first offense be fined \$1,000, or incarcerated for not more than 180 days, or both.

“(b) A person violating any provisions of section 3j when the person has a prior offense under section 3j or 3l and is being sentenced on the current offense shall be fined not less than \$2,500 and not more than \$5,000, or incarcerated for not more than one year, or both.

“(c) A person violating any one or more provisions of section 3j when the person has 2 or more prior offenses under section 3j or 3l and is being sentenced on the current offense shall be fined not less than \$2,500 and not more than \$10,000, or incarcerated for not more than one year, or both.

“Sec. 3l. Operating a watercraft while impaired.

“No person shall operate or be in physical control of any watercraft in the District while the person’s ability to operate a watercraft in the District is impaired by the consumption of alcohol or any drug or any combination thereof.

“Sec. 3m. Penalties for operating watercraft while impaired.

“(a) Except as provided in subsections (b) and (c) of this section, a person violating section 3l shall upon conviction for the first offense be fined \$250, or incarcerated for not more than 30 days, or both.

“(b) A person violating section 3l when the person has a prior offense under section 3j or 3l and is being sentenced on the current offense shall be fined not more than \$2,500, or incarcerated for not more than 180 days, or both.

“(c) A person violating section 3l when the person has 2 or more prior offenses under section 3j or 3l and is being sentenced on the current offense shall be fined not less than \$2,500 and not more than \$5,000, or incarcerated for not more than one year, or both.

“Sec. 3n. Harbor Master public awareness campaign.

“The Harbor Master shall be directly responsible for enforcing this subtitle and shall ensure that the public is made aware of the District’s aggressive enforcement policy through a continual public awareness campaign.

“Sec. 3o. Additional penalty for impaired operating with a minor in the watercraft.

“A person convicted of any offense under this subtitle who, at the time of operation or physical control of the watercraft had a minor, other than him or herself, in the watercraft, shall, in addition to any applicable penalty under this subtitle, be fined a minimum of \$500 and not more than \$1,000 per minor, and be incarcerated a mandatory-minimum term of incarceration of 5 days per minor.

“SUBTITLE D.

“Sec. 3p. Evidence of impairment.

“(a) If as a result of the operation or the physical control of a vehicle, or a watercraft, a person is tried in any court of competent jurisdiction within the District of Columbia for operating or being in physical control of a vehicle, or a watercraft, while under the influence of alcohol in violation of section 3b, 3c, or 3j, negligent homicide in violation of section 802(a) of An Act To establish a code of law for the District of Columbia, approved June 17, 1935 (49 Stat.

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385; D.C. Official Code § 50-2203.01), or manslaughter committed in the operation of a vehicle in violation of section 802 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2105), and in the course of the trial there is received, based upon chemical tests, evidence of alcohol in the defendant's blood, breath, or urine, such evidence shall:

“(1) If the defendant’s alcohol concentration at the time of testing was less than 0.05 grams per 100 milliliters of blood or per 210 liters of breath or 0.06 grams or less per 100 milliliters of urine, establish a rebuttable presumption that the person was not, at the time, under the influence of alcohol.

“(2) If the defendant’s alcohol concentration at the time of testing was 0.05 grams or more per 100 milliliters of blood or per 210 liters of breath or more than 0.06 grams of per 100 milliliters of urine, but less than 0.08 grams per 100 milliliters of blood or per 210 liters of breath or less than 0.10 grams per 100 milliliters of urine, constitute prima facie proof that the person was, at the time, under the influence of alcohol.

“(b) The rebuttable presumption contained in subsection (a)(1) of this section shall not apply if:

“(1) There is evidence that the person is impaired by a drug;

“(2) The defendant was operating or in physical control of a commercial vehicle;

or

“(3) The defendant, at the time of arrest, was under the age of 21.

“Sec. 3q. Admissibility of chemical test results.

An official copy of the results of any blood, urine, or breath test performed on a person by a technician or by a law enforcement officer shall be admissible as substantive evidence, without the presence or the testimony of the technician or of the law enforcement officer who administered the test, in any proceeding in which that person is charged with a violation of section 3b, 3c, or 3e; provided, that the law enforcement officer or the technician certifies that the breath test was conducted in accordance with the manufacturer's specifications, and that the equipment on which the breath test was conducted has been tested within the past 3 months and has been found to be accurate or, in the case of a blood or urine specimen, that the test of the specimen has been certified to be accurate by the chief toxicologist, Office of the Chief Medical Examiner or his or her designee; provided further, that the person on whom any blood, urine, or breath test has been performed, or that person's attorney, may seek to compel the attendance and the testimony of the technician or of the law enforcement officer in any proceeding by stating, in writing, the reasons why the accuracy of the test result is in issue and by requesting, in writing, at least 15 days in advance of the proceeding, that such technician or such law enforcement officer appear and testify in the proceeding. Any such person upon whom a blood, urine, or breath test is performed, shall be informed, in writing, of the provisions of this section at the time that such person is charged. After having been informed, failure to give timely and proper notice shall constitute a waiver of the person's (on whom the test has been performed) right to the presence and testimony of the technician or the law enforcement officer.

“Sec. 3r. Prosecution and diversionary program.

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“(a) The Attorney General of the District of Columbia, or his or her assistants, shall prosecute violations of this title, in the name of the District of Columbia.

“(b) The Attorney General may request that a person who is charged with a violation of any provision of this title, as a condition to acceptance into a diversion program in lieu of prosecution, pay the District of Columbia or its agents a reasonable fee for the costs to the District of the person’s participation in the diversion program; provided, that:

“(1) The Attorney General shall set the fee by rule and at a level which the Attorney General determines will not unreasonably discourage persons from entering the diversion program;

“(2) The Attorney General may reduce or waive the fee if the Attorney General finds that the person is indigent; and

“(3) The Mayor shall determine the provider, the content, and eligibility requirements for any diversion program.

“Sec. 3s. Assessment of alcohol or drug abuse and treatment.

“Any person convicted of violating sections 3b, 3c, 3e, 3g, 3j, or 3l who has prior offense under sections 3b, 3c, 3e, 3g, 3j, or 3l, shall have his or her alcohol or drug abuse history assessed and a treatment program prescribed as appropriate.

“Sec. 3t. Revocation of permit or privilege to drive.

“(a) The Mayor or his or her designated agent shall revoke the operator’s permit or the privilege to drive a motor vehicle in the District of Columbia, or revoke both such permit and privilege, of any person who is convicted or adjudicated a juvenile delinquent as a result of the commission in the District of any of the following offenses:

“(1) A violation of sections 3b, 3c, 3e, or 3g;

“(2) A homicide committed by means of a motor vehicle;

“(3) A violation of section 10c or 10d of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50–2201.02 *et seq.*);

“(4) Reckless driving;

“(5) Operating or being in physical control of a vehicle while intoxicated or impaired by the consumption of alcohol or a drug or any combination thereof where such operation or physical control leads to bodily injury; or

“(6) Any felony in the commission of which a motor vehicle is involved.

“(b) Whenever a judgment of conviction of any offense set forth in subsection (a) of this section has become final, the clerk of the court in which the judgment was entered shall certify such conviction to the Mayor or his or her designated agent, who shall thereupon take the action required by subsection (a) of this section. A judgment of conviction shall be deemed to have become final for the purposes of this subsection if:

“(1) No appeal is taken from the judgment, upon the expiration of the time within which an appeal could have been taken; or

“(2) An appeal is taken from the judgment, the date upon which the judgment, having been sustained, can no longer be appealed from or reviewed on a writ of certiorari.

“Sec. 3u. Impounding of vehicle; release of vehicle; liability.

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“(a)(1) Except as provided in paragraph (2) of this subsection, when a law enforcement officer arrests a person for a violation of section 3b, 3c, or 3e, the law enforcement officer shall cause the motor vehicle which the arrested person operated or controlled to be impounded.

“(2) The law enforcement officer shall not cause the vehicle to be impounded if:

“(A) A registered owner of the vehicle authorizes the law enforcement officer to release the vehicle to a person:

“(i) Who is in the company of the arrested person;

“(ii) Who has in his or her immediate possession a valid permit to operate a motor vehicle; and

“(iii) Whom the law enforcement officer determines to be in physical condition to operate the vehicle without violating section 3b, 3c, or 3e;

“(B) A registered owner of the vehicle:

“(i) Is present to take custody of the vehicle;

“(ii) Has in his or her immediate possession a valid permit to operate a motor vehicle; and

“(iii) Is determined by the law enforcement officer to be in physical condition to operate the vehicle without violating section 3b, 3c, or 3e; or

“(C) The arrested person authorizes the law enforcement officer to release the vehicle to a person:

“(i) Who is not in the company of the arrested person;

“(ii) Who has in his or her immediate possession a valid permit to operate a motor vehicle;

“(iii) Whom the law enforcement officer determines to be in physical condition to operate the vehicle without violating section 3b, 3c, or 3e; and

“(iv) Who shall take possession of the vehicle within a reasonable period of time from a public parking space to be determined by the arresting law enforcement officer.

“(b)(1) Except as provided in paragraph (2) of this subsection or in subsection (c) of this section, an impounded vehicle shall be released:

“(A) At any time to a registered owner of the vehicle, other than the arrested person; or

“(B) 24 hours after the arrest, to the arrested person.

“(2) No vehicle shall be released to a person unless a law enforcement officer determines that the person is in physical condition to operate a motor vehicle without violating section 3b, 3c, or 3e.

“(3) If the law enforcement officer has a reasonable suspicion that the person is not in the physical condition required by paragraph (2) of this subsection, the law enforcement officer may direct that the person submit specimens for chemical testing to determine whether the person is impaired. The results of the tests may not be used as evidence in any criminal proceeding. If the person refuses to submit specimens for chemical tests, the law enforcement officer may determine that the person does not meet the condition of paragraph (2) of this subsection.

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“(c) Any motor vehicle that is impounded shall be subject to an impoundment charge of \$50, which shall be paid before the release of the motor vehicle. Any motor vehicle that remains impounded and unclaimed for more than 72 hours shall be processed and handled as an abandoned vehicle, and shall be subject to any other charges and costs, including storage fees and relocation costs, as provided and assessed by the Mayor.

“(d) Except as provided in paragraph (2)(B) of this subsection, the District of Columbia and its employees may not be liable for damage to property which results from any act or omission in the implementation of any provisions of this section.

“(2)(A) The District of Columbia and its employees may be liable for injury to persons which results from any act or omission in the implementation of any provisions of this section.

“(B) An employee of the District of Columbia may be liable for injury to persons or damage to property which results from the gross negligence of the employee. The District of Columbia may also be liable for the resulting injury to persons or damage to property if the act or omission of the employee which constitutes gross negligence occurred while the employee was engaged in furthering the governmental interest of the District of Columbia.

“Sec. 3v. Mandatory-minimum periods.

“(a) A mandatory-minimum term of incarceration as provided in this title shall be proven to the court by a preponderance of the evidence.

“(b) A person sentenced for an offense under this title may be subjected to multiple mandatory-minimum terms of incarceration. Each mandatory-minimum term of incarceration must be served consecutively, except that no combination of mandatory-minimum terms of incarceration shall exceed the maximum penalty for the offense, including any applicable enhancements.

“Sec. 3w. Fines.

“Notwithstanding any other provision of law, all fines imposed and collected pursuant to this title during fiscal year 2006 and each succeeding fiscal year shall be transferred to the General Fund of the District of Columbia.

“Sec. 3x. Effect of later repeal or amendment.

“Any violation of any provision of law or regulation issued hereunder which is repealed or amended by this title, and any liability arising under such provisions or regulations may, if the violation occurred or the liability arose prior to such repeal or amendment, be prosecuted to the same extent as if this title had not been enacted.”.

TITLE II -- ALCOHOL TESTING PROGRAM

Sec. 201. Section 8 of the Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.07), is amended to read as follows:

“Sec. 8. Impaired driving program; certification and testing of breath alcohol equipment.

“(a) The Department shall be responsible for testing and certifying the accuracy of any District instrument utilized by District law enforcement personnel to test the alcohol content of breath. A District breath test instrument shall only be used by District law enforcement

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personnel if it has been certified by the Department, or the Department's designee, to be accurate. Certification of the accuracy of each breath test instrument shall occur at least once every 3 months.

“(b) In addition to the requirements under subsection (a) of this section, the Department shall:

“(1) Develop a program for District law enforcement personnel to become trained and certified as a breath test instrument operator;

“(2) Develop policies and procedures for the operation and maintenance of all breath test instruments utilized by District law enforcement personnel; and

“(3) Develop policies and procedures for the maintenance of records demonstrating that the breath test instruments utilized by District law enforcement personnel are in proper operating condition.

“(c) The Department shall issue regulations to meet the requirements of this section.

“(d) The Director may delegate by memorandum of agreement some or all of the responsibilities of this section, as well as some or all of the responsibilities for providing forensic science services pertaining to breath testing as provided by section 9(a)(1) to the Office of the Chief Medical Examiner.

“(e) This section shall apply as of October 1, 2012.”.

Sec. 202. The Establishment of the Office of the Chief Medical Examiner Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1401 *et seq.*), is amended by adding a new section 2918b to read as follows:

“Sec. 2918b. Impaired driving program; chemical testing.

“(a) The CME shall be responsible for ensuring the accuracy of blood and urine testing for the District's impaired driving program. The CME may test or authorize the testing of specimens, as defined by section 1(18) of the District of Columbia Implied Consent Act, approved October 21, 1972 (86 Stat. 1016; D.C. Official Code § 50-1901(18)), for the purposes of determining if specimens contain alcohol or a drug.

“(b) Until October 1, 2012, and after October 1, 2012 if authorized under section 8(d) of the Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.07(d)), the CME shall be responsible for testing and certifying the accuracy of any District instrument utilized by District law enforcement personnel to test the alcohol content of breath. A District breath-test instrument shall only be used by District law enforcement personnel if it has been certified by the CME to be accurate. Certification of the accuracy of each breath test instrument must occur at least once every 3 months.

“(c) In addition to the requirements under subsection (a) of this section, the CME shall:

“(1) Develop a program for District law enforcement personnel to become trained and certified as a breath test instrument operator;

“(2) Develop policies and procedures for the operation and maintenance of all breath test instruments utilized by District law enforcement personnel; and

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“(3) Develop policies and procedures for the maintenance of records demonstrating that the breath test instruments utilized by District law enforcement personnel are in proper operating condition.”.

TITLE III -- CONFORMING AMENDMENTS

Sec. 301. Section 14-307(b) of the District of Columbia Official Code is amended as follows:

- (a) Paragraph (3) is amended by striking the word “or” after the semicolon.
- (b) Paragraph (4) is amended by striking the period and inserting the phrase “; or” in its place.
- (c) A new paragraph (5) is added to read as follows:

“(5) evidence in a criminal or delinquency proceeding where a person is charged with an impaired driving offense and where the person caused the death of or injury to a human being, and the disclosure is required in the interest of public justice.”.

Sec. 302. Chapter 10 of Title 25 of the District of Columbia Official Code is amended by repealing sections 25-1004 through 25-1009.

Sec. 303. Section 9 of the Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.08), is amended as follows:

- (a) A new subsection (a-1) is added to read as follows:

“(a-1) The Mayor shall provide for the orderly transfer to the Department all of the authority, responsibilities, duties, assets, and functions of the Department of Health pertaining to public health laboratory services, including:

 - “(1) Disease prevention, control and surveillance testing;
 - “(2) Emergency preparedness testing;
 - “(3) Food surveillance and testing;
 - “(4) Reference and specialized testing;
 - “(5) Integrated data management;
 - “(6) Education, training and partnerships;
 - “(7) Special research; and
 - “(8) The ability to seek grants pertaining to public health laboratory services from government agencies, including the Center for Disease Control.”.
- (b) Subsection (b) is amended by striking the phrase “transfer set forth in subsection (a)” and inserting the phrase “transfers set forth in subsections (a) and (a-1)” in its place.

Sec. 304. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

- (a) Section 2024 (D.C. Official Code § 1-620.24) is amended by striking the

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phrase “employee’s alcohol concentration was 0.08 grams or more per 210 liters of breath” and inserting the phrase “employee is intoxicated as defined by section 3a(9) of the Anti-Drunk Driving Act of 1982, signed by the Mayor on October 24, 2012 (D.C. Act 19-489; 59 DCR 12957)” in its place.

(b) Section 2033 (D.C. Official Code § 1-620.33) is amended by striking the phrase “person’s alcohol concentration was 0.08 grams or more per 210 liters of breath” and inserting the phrase “person is intoxicated as defined by section 3a(9) of the Anti-Drunk Driving Act of 1982, signed by the Mayor on October 24, 2012 (D.C. Act 19-489; 59 DCR 12957)” in its place.

Sec. 305. Section 4 of the Department of Corrections Employee Mandatory Drug and Alcohol Testing Act of 1996, effective September 20, 1996 (D.C. Law 11-158; D.C. Official Code § 24-211.23), is amended as follows:

(a) Subsection (e) is amended by striking the phrase “person’s alcohol concentration was 0.08 grams or more per 210 liters of breath” and inserting the phrase “person was intoxicated as defined by section 3a(9) of the Anti-Drunk Driving Act of 1982, signed by the Mayor on October 24, 2012 (D.C. Act 19-489; 59 DCR 12957)” in its place.

(b) Subsection (f) is amended by striking the phrase “210 liters of the employee’s breath contains 0.08 grams or more of alcohol” and inserting the phrase “the alcohol concentration of the employee’s breath meets the definition of intoxicated as defined by section 3a(9) of the Anti-Drunk Driving Act of 1982, signed by the Mayor on October 24, 2012 (D.C. Act 19-489; 59 DCR 12957)” in its place.

Sec. 306. Section 37(a) of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (69 Stat. 130; D.C. Official Code § 50-1301.37(a)), is amended by striking the phrase “person’s alcohol concentration is 0.08 grams or more either per 100 milliliters of blood or per 210 liters of breath or is 0.10 grams or more per 100 milliliters of urine” and inserting the phrase “person is intoxicated as defined by section 3a(9) of the Anti-Drunk Driving Act of 1982, signed by the Mayor on October 24, 2012 (D.C. Act 19-489; 59 DCR 12957)” in its place.

Sec. 307. Section 13(a) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1125; D.C. Official Code § 50-1403.01(a)), is amended by striking the phrase “person’s alcohol concentration is 0.08 grams or more either per 100 milliliters of blood or per 210 liters of breath or is 0.10 grams or more per 100 milliliters of urine” and inserting the phrase “person is intoxicated as defined by section 3a(9) of the Anti-Drunk Driving Act of 1982, signed by the Mayor on October 24, 2012 (D.C. Act 19-489; 59 DCR 12957)” in its place.

TITLE IV -- FISCAL IMPACT; EFFECTIVE DATE

Sec. 401. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Comprehensive Impaired Driving and Alcohol Testing Program Amendment Act of 2012, signed

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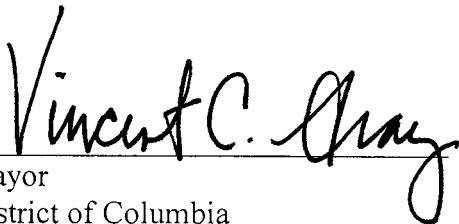
by the Mayor on October 24, 2012 (D.C. Act 19-489; 59 DCR 12957), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 402. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 17, 2013

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AN ACT

D.C. ACT 20-52

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 22, 2013

To amend, on an emergency basis, due to Congressional review, Title 25 of the District of Columbia Official Code to define the term “miniature”; to define the term “growler”; to clarify what constitutes a nude performance; to define the term “overconcentration”; to increase the wine alcohol percentage that can be sold by retailer’s class B licensees from 14% to 15%; to allow full-service grocery stores to sell resealed containers of beer for off-premises consumption; to allow retailer’s class C and D licensees to purchase from retailer’s class A licensees when District wholesalers are closed; to make it a secondary tier violation to knowingly allow a patron to exit an on-premises establishment with an open container of alcohol; to allow caterers that also hold an on-premises retailer’s license to purchase alcoholic beverages from a wholesaler for all catered events; to allow licensed establishments to store books and records on the premises electronically; to clarify that the holder of a temporary license can receive alcoholic beverage deliveries from wholesalers up to 48 hours before an ABC Board-approved weekend or holiday event; to clarify which on-premises retail licensees are eligible to apply for a brew pub permit; to allow brew pubs to sell resealed containers of beer to consumers for off-premises consumption; to create a new wine pub permit that allows for the manufacturing and the sale of wine to consumers; to require ABRA to establish a new licensee orientation class; to place a moratorium on establishments that permit nude dancing in Ward 5; to permit the issuance of additional retailer’s class B licenses if the total number of retailer’s class B licenses is less than 300; to clarify the required elements of a security plan; to require notice of certain license applications to citizens associations registered with ABRA; to require that a protest hearing for new license applications be held within 75 days of the end of the protest hearing; to require the Board to issue written decisions for new applications within 60 days after the close of the record; to change the term “voluntary agreement” to “settlement agreement”; to clarify the settlement agreement enforcement penalties available to the Board; to clarify the conditions that are permitted to be in a settlement agreement; to create a stipulated license fee; to delete the term “new owner license renewal”; to require citizens associations to include applicants in the notice of a scheduled meeting to consider a protest and to reduce the time period of the notice from 10 days to 7 days; to require ABRA and the Board to provide certain documents to ANCs and citizens associations upon request; to clarify the impact of a settlement agreement submitted by an affected ANC when a protest of a license application is

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pending; to allow Sunday alcoholic beverage sales by retailer's class A licensees; to eliminate the requirement that on-premises licensees register, pay a registration fee, and provided notice to the Board and the Police for an additional hour of alcohol sales due to daylight saving time on the 2nd Sunday of March starting in Fiscal Year 2014; to clarify that the prohibition of noise from licensed premises does not apply to heating, ventilation, and air conditioning devices; to require ABRA to maintain a complaint program; to require that windows and doors of an establishment remain open or closed, as they were at the time a complaint was made, prior to the determination of a noise violation; to establish as an affirmative defense to a violation of the requirement that a licensee refuse to sell alcohol beverages to a person without valid identification that the person served was 21 years of age or older; to create a fee for maintaining licenses in safekeeping; to require that an investigation be conducted before taking summary enforcement action against a licensee; to allow the Board to fine a licensee \$30,000 and suspend a license for 30 consecutive days for a 4th primary tier violation within 4 years and revoke the license after the 5th violation; to make it a primary tier violation to sell or serve alcoholic beverages on a suspended or expired license or a license held in safekeeping; to make it a primary tier violation for failure to comply with the statutory food requirements; to require ABRA to maintain a noise complaint line and track noise complaints; to amend section 47-2002 of the District of Columbia Official Code to increase the amount of sales tax revenue used to fund the Reimbursable Detail Subsidy Program from \$460,000 annually to \$1,170,000 annually; and to amend Title 23 of the District of Columbia Municipal Regulations to allow a licensee to store books and records on-premise electronically, and to conform the regulations with the new provision allowing certain caterers to purchase alcoholic beverages from a wholesaler.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Alcoholic Beverage Regulation Congressional Review Emergency Amendment Act of 2013".

Sec. 2. Title 25 of the District of Columbia Official Code is amended as follows:

(a) Section 25-101 is amended as follows:

(1) Paragraph (15A) is amended to read as follows:

"(15A) "Cooperative agreement" shall have the same meaning, and is synonymous with, settlement agreement."

(2) A new paragraph (24B) is added to read as follows:

"(24B) "Growler" means a reusable container that is capable of holding up to 64 fluid ounces of beer and is designed to be filled and sealed on premises for consumption off premises."

(3) A new paragraph (32A) is added to read as follows:

"(32A) "Miniature" means an alcoholic beverage in a sealed container holding 50 milliliters or less."

(4) Paragraph (34) is amended by striking the word "buttocks" and inserting the

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word “anus” in its place.

(5) A new paragraph (35A) is added to read as follows:

“(35A) “Overconcentration” means the existence of several licensed establishments that adversely affect a specific locality, section, or portion of the District of Columbia, including consideration of the appropriateness standards under § 25-313(b).”

(6) Paragraph (49)(B) is amended by striking the phrase “14% alcohol” and inserting the phrase “15% alcohol” in its place.

(7) Paragraph (54) is repealed.

(8) Paragraph (56) is amended by striking the phrase “not more than 14%” and inserting the phrase “not more than 15%” in its place.

(b) The heading to subchapter II of Chapter 1 is amended by striking the word “Licenses” and inserting the phrase “Licenses and Permits” in its place.

(c) Section 25-112 is amended as follows:

(1) Subsection (a) is amended by striking the period at the end and inserting the phrase “, including the sale of growlers by the holder of an off-premise retailer licensee, class A, notwithstanding any other provision or restrictions of this title.” in its place.

(2) A new subsection (a-1) is added to read as follows:

“(a-1)(1) An off-premises retailer’s licensee, class B, that is also a full-service grocery store meeting the requirements of § 25-331(d), may also sell beer in growlers.

“(2)(A) The Board shall promulgate rules within 45 days of the effective date of the Omnibus Alcoholic Beverage Regulation Emergency Amendment Act of 2012, effective January 14, 2013 (D.C. Act 19-597)(“Emergency Act”), to provide a definition of “full-service grocery store” as used in this title.

“(B) Notwithstanding subchapter III of Chapter 3 of this title, the Board shall not issue any new full-service grocery store, off-premises retailer’s class B licenses for 45 days from the effective date of the Emergency Act or until the rulemaking required by this paragraph has been promulgated and approved by the Council, whichever date is sooner.

“(C) Upon approval by the Council of the regulations promulgated by the Board pursuant to this paragraph, the Council shall incorporate the definition of “full-service grocery store” into §25-101.”

(3) Subsection (b) is amended by striking the phrase “shall not be opened,” and inserting the phrase “shall not be opened, except for the sale of growlers,” in its place.

(4) Subsection (c) is amended as follows:

(A) Paragraph (1) is amended by striking the word “and” at the end.

(B) A new paragraph (2A) is added to read as follows:

“(2A) Licensees under a temporary license or an on-premises retailer’s license, class C or D, if the alcoholic beverages were purchased by the off-premises retailer from a licensee under a wholesaler license or brought into the District under a validly issued import permit; provided, that the sales to an on-premises retailer’s class C and D license, may be made only on a Saturday, Sunday, or holiday during the hours when licensees under a wholesaler’s license are closed; provided further, that an on-premises retailer’s licensee shall maintain on the

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licensed premises for 3 years either a receipt or invoice containing:

“(A) The date of the purchase;

“(B) The quantity and brand name of the alcoholic beverages purchased;

and

“(C) The name of the on-premises licensee to which the sale was made;

and”.

(d) Section 25-113 is amended as follows:

(1) Subsection (a)(2)(A) is amended as follows:

(A) The existing language is designated as sub-subparagraph (i).

(B) A new sub-subparagraph (ii) is added to read as follows:

“(ii) It shall be a secondary tier violation for an on-premises retailer’s class C or D licensee, to knowingly allow a patron to exit the licensed establishment with an alcoholic beverage in an open container.”.

(2) Subsection (i)(5) is amended by adding a new sentence at the end to read as follows: “A caterer that also holds an on-premises retailer’s license may purchase alcoholic beverages from wholesalers for use at catered events regardless of the number of persons attending the event.”.

(3) Subsection (j)(3)(B) is amended by adding 2 new sentences at the end to read as follows: “A licensee may also store its books and records on the premises electronically. The records stored on the premises electronically shall be made immediately available at the request of ABRA staff.”.

(e) Section 25-115 is amended by adding a new subsection (f) to read as follows:

“(f) The holder of a temporary license shall be permitted to receive deliveries from a wholesaler up to 48 hours before a Board-approved event occurring on a Saturday, Sunday, or holiday. The alcoholic beverages delivered pursuant to this subsection shall not be consumed until the date and time of the event and shall be stored in a secure location.”.

(f) Section 25-117 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “restaurant or tavern” wherever it appears and inserting the phrase “restaurant, tavern, multipurpose facility, hotel, or nightclub” in its place.

(2) A new subsection (a-1) is added to read as follows:

“(a-1) A brew pub permit shall authorize the licensee to sell beer in growlers.”.

(3) Subsection (b) is amended by striking the phrase “restaurant or tavern” wherever it appears and inserting the phrase “restaurant, tavern, multipurpose facility, hotel, or nightclub” in its place.

(4) Subsection (c) is amended as follows:

(A) The lead-in language is amended by striking the word “void” and inserting the phrase “cancelled or revoked” in its place.

(B) Paragraph (1) is amended by striking the phrase “restaurant or tavern” wherever it appears and inserting the phrase “restaurant, tavern, multipurpose facility, hotel, or nightclub” in its place.

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(g) A new section 25-124 is added to read as follows:

“§ 25-124. Wine pub permit requirements and qualifications.

“(a) A wine pub permit shall authorize the licensee to manufacture wine at one location from grapes or fruit transported from an area that produces wine to the licensed restaurant, tavern, multipurpose facility, hotel, or nightclub for on-premises consumption and for sale to licensed wholesalers for the purpose of resale to other licensees.

“(b) A wine pub permit shall be issued only to the licensee under an on-premises restaurant, tavern, multipurpose facility, hotel, or nightclub license, class C or D, in conjunction with the issuance of an on-premises restaurant, tavern, multipurpose facility, hotel, or nightclub license, class C or D.

“(c) The location used to manufacture wine shall be on or immediately adjacent to the restaurant, tavern, multipurpose facility, hotel, or nightclub licensed to the wine pub owner in accordance with subsection (b) of this section.

“(d) The holder of a wine pub permit may also sell wine to patrons in sealed bottles or other closed containers for off-premises consumption.

“(e) The minimum annual fee of the wine pub permit shall be \$5,000.

“(f) A wine pub permit shall be cancelled or revoked if:

“(1) The restaurant, tavern, multipurpose facility, hotel, or nightclub ceases to be operated as a restaurant, tavern, multipurpose facility, hotel, or nightclub; or

“(2) The licensee’s on-premises retailer’s license, class C or D, is revoked or cancelled.

“(g) A wine pub permit shall be automatically suspended whenever and for the same period that the licensee’s retailer’s license, class C or D, is suspended.”.

(h) A new section 25-212 is added to read as follows:

“§ 25-212. New licensee and general public orientation class.

“ABRA shall establish a new licensee orientation class that shall be available to licensees and the public at no charge. The class curriculum shall include the following:

“(1) A review of relevant provisions contained in both this title and Title 23 of the District of Columbia Municipal Regulations;

“(2) Noise abatement and sound management; and

“(3) How to work proactively with Advisory Neighborhood Commissions, neighborhood and business groups, and residents.”.

(i) Section 25-301 is amended by adding a new subsection (a-1) to read as follows:

“(a-1) To determine whether an applicant for a new license meets the criteria of subsection (a)(1) of this section, the Board shall examine records, covering the last 10 years from the date of application, maintained by ABRA regarding prior violations of the District’s alcohol laws and regulations by the applicant or establishments owned or controlled by the applicant.”.

(j) Section 25-315(b)(1) is amended by striking the phrase “voluntary agreement” and inserting the phrase “settlement agreement” in its place.

(k) Section 25-332(a) is amended to read as follows:

“(a)(1) After the effective date of the Omnibus Alcoholic Beverage Regulation

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Amendment Act of 2012, passed on 2nd reading on December 18, 2012 (Enrolled version of Bill 19-824), the Board may issue new off-premises retailer's class B licenses, if the Board finds that the number of retailer's class B licenses is less than the quota set forth in § 25-331(b). A condition of the license shall be that the sale of alcoholic beverages for consumption off-premises shall constitute no more than 25% of the total volume of gross receipts of the licensee on an annual basis.

“(2) No more than one retailer's license, class B, issued under this subsection shall be issued to the same applicant or to an individual with an ownership interest in another license issued under this subsection.

“(3) The issuance of new retailer's licenses, class B, under this subsection shall be audited by ABRA and subject to the reporting requirements set forth in § 25-112(e).”

(l) Section 25-374 is amended as follows:

(1) A new subsection (a-1) is added to read as follows:

“(a-1) On or after January 1, 2013, a class CN license with a nude dancing endorsement under § 25-371(b) shall not be transferred into Ward 5, as defined by section 4 of the Redistricting Procedure Act of 1981, effective March 6, 1982 (D.C. Law 4-87; D.C. Official Code § 1-1041.03); provided, that this section shall not prohibit the transfer of an existing CN license with a nude dancing endorsement within Ward 5.”

(2) Subsection (f) is amended by striking the phrase “voluntary agreement” and inserting the phrase “settlement agreement” in its place.

(m) Section 25-402 is amended as follows:

(1) Subsection (d) is redesignated as paragraph (1) of subsection (d).

(2) Subsection (e) is redesignated as paragraph (2) of subsection (d).

(3) Subsection (f) is redesignated as paragraph (3) of subsection (d).

(4) The new redesignated subsection (d)(3) is amended to read as follows:

“(3) A written security plan filed pursuant to this subsection shall include at least the following elements:

“(A) A statement on the type of security training provided for, and completed by, establishment personnel, including:

“(i) Conflict resolution training;

“(ii) Procedures for handling violent incidents, other emergencies, and calling the Metropolitan Police Department; and

“(iii) Procedures for crowd control and preventing overcrowding;

“(B) The establishment's procedures for permitting patrons to enter;

“(C) A description of how security personnel are stationed inside and in front of the establishment and the number and location of cameras used by the establishment;

“(D) Procedures in place to prevent patrons from becoming intoxicated and ensuring that only persons 21 years or older are served alcohol;

“(E) A description of how the establishment maintains an incident log;

“(F) The establishment's procedures for preserving a crime scene; and

“(G) In the event that cameras are required to be installed by the Board or

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in accordance with the establishment's security plan, the establishment shall ensure the following:

“(i) The cameras utilized by the establishment are operational;

“(ii) Any footage of a crime of violence or a crime involving a gun is maintained for a minimum of 30 days; and

“(iii) The security footage is made available within 48 hours upon the request of ABRA or the Metropolitan Police Department.”.

(n) Section 25-403 is amended as follows:

(1) Subsection (e) is redesignated as paragraph (1) of subsection (e).

(2) Subsection (f) is redesignated as paragraph (2) of subsection (e).

(3) Subsection (g) is redesignated as paragraph (3) of subsection (e).

(4) The new redesignated subsection (e)(3) is amended to read as follows:

“(3) A written security plan filed pursuant to this subsection shall include at least the following elements:

“(A) A statement on the type of security training provided for, and completed by, establishment personnel, including:

“(i) Conflict resolution training;

“(ii) Procedures for handling violent incidents, other emergencies, and calling the Metropolitan Police Department; and

“(iii) Procedures for crowd control and preventing overcrowding;

“(B) The establishment's procedures for permitting patrons to enter;

“(C) A description of how security personnel are stationed inside and in front of the establishment and the number and location of cameras used by the establishment;

“(D) Procedures in place to prevent patrons from becoming intoxicated and ensuring that only persons 21 years or older are served alcohol;

“(E) A description of how the establishment maintains an incident log;

“(F) The establishment's procedures for preserving a crime scene; and

“(G) In the event that cameras are required to be installed by the Board or in accordance with the establishment's security plan, the establishment shall ensure the following:

“(i) The cameras utilized by the establishment are operational;

“(ii) Any footage of a crime of violence or a crime involving a gun is maintained for a minimum of 30 days; and

“(iii) The security footage is made available within 48 hours upon the request of ABRA or the Metropolitan Police Department.”.

(o) Section 25-421(a) is amended as follows:

(1) Paragraph (4) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(2) A new paragraph (5) is added to read as follows:

“(5) A citizens association meeting the requirements of § 25-601(3); provided, that the citizens association has, at least 30 days before the Board's receipt of the application,

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registered with ABRA by providing a copy of its charter, and an e-mail or other electronic address in a form consistent with ABRA's procedures.”.

“(p) Section 25-432(b)(1) is amended by inserting the phrase “, to be held within 75 days of the end of the protest period, for new license applications” after the phrase “protest hearing”.

“(q) Section 25-433(c) is amended by adding the sentence “For new license applications, the Board shall issue its written decisions accompanied by findings of fact and conclusions of law within 60 days after the close of the record.” after the sentence that reads “Within 90 days after the close of the record, the Board shall issue its written decision accompanied by findings of fact and conclusions of law.”.

(r) Section 25-446 is amended as follows:

(1) The section heading is amended to read as follows:

“§ 25-446. Settlement agreements; approval process; penalties for violations.”.

(2) Strike the phrase “voluntary agreement” wherever it appears and insert the phrase “settlement agreement” in its place.

(3) Subsection (b) is amended as follows:

(A) The existing language is designated as paragraph (1).

(B) New paragraphs (2) and (3) are added to read as follows:

“(2) Except as provided in § 25-446.02, all provisions of a settlement agreement approved by the Board shall be enforceable by ABRA or the Board.

“(3) A settlement agreement not approved by the Board shall not be enforced by ABRA or the Board.”.

(4) Subsection (e) is amended to read as follows:

“(e) Upon a determination that a licensee has violated a settlement agreement, the Board shall penalize the licensee according to the provisions set forth for violations of a license in Chapter 8 of this title.”.

(s) New sections 25-446.01 and 25-446.02 are added to read as follows:

“§ 25-446.01. Settlement agreements – enforceable provisions.

“A settlement agreement enforceable by the Board under this subchapter may include:

“(1) Provisions allowing or prohibiting entertainment and the hours that entertainment would be allowed;

“(2) Specific methods to mitigate the level of noise outside the establishment, including:

“(A) Sound attenuation elements;

“(B) Requiring that the doors and windows of the establishment remain closed (except for ingress and egress) during hours of entertainment;

“(C) Restricting indoor entertainment to a specific area of the establishment; and

“(D)(i) Specification of physical attributes to mitigate noise emanating from an outdoor facility.

“(ii) For the purposes of this subparagraph, the term “physical attributes” may include architectural features, sound barriers, and placement of speakers;

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“(3) Descriptions of reasonable efforts that the applicant or existing licensee will take to control litter and other debris in the immediate area surrounding the establishment, including:

“(A) The frequency that the applicant or existing licensee will monitor the area;

“(B) The days and time that the applicant or existing licensee will remove trash; and

“(C) The efforts to be made by the licensee to limit rat and vermin infestation;

“(4) Descriptions of parking arrangements, including the use of valet service contingent on proper permitting by the District Department of Transportation;

“(5) Requirements that the applicant or existing licensee maintain an incident log and that the incident log be made available to ABRA and the Board, upon request;

“(6) A notice to cure provision;

“(7) Restrictions on hours of operation and sales and service for a new or existing licensee’s facilities;

“(8) Descriptions of how the licensee will address specific issues in determining the hours of operation, including:

“(A) The licensee’s history of previous violations;

“(B) The proximity of the establishment to residences; and

“(C) The hours of operation and sales and service of alcohol for other existing licensed establishments in the area;

“(9) Restrictions on the utilization of floors, occupancy, and the number of seats for existing licensees and address specific issues in determining occupancy issues, including:

“(A) The licensee’s history of previous violations;

“(B) The proximity of the establishment to residences; and

“(C) The hours of operation and sales and service of alcohol for other existing licensed establishments in the area; and

“(10) Stipulations that the establishment will comply with existing District statutes and regulations, or will comply with privileges granted by ABRA or any other District agency.

“§ 25-446.02. Settlement agreements – unenforceable provisions.

“The Board shall not enforce the following provisions if included in a settlement agreement covered by this subchapter:

“(1) Restraints on the ability of an applicant or existing licensee to operate its business, including:

“(A) Requirements that the ANC or other community members approve future ownership changes;

“(B) Requirements that the ANC or other community members be notified of intent to transfer ownership;

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“(C) Prohibitions against the applicant or existing licensee applying for a change in license class;

“(D) A requirement that the applicant or existing licensee change the license class before selling the license;

“(E) Requirements that prohibit the licensee from applying for changes to licensed operation procedures, including applications for summer gardens, sidewalk cafes, rooftop decks, entertainment endorsements, and changes of hours:

“(F) Mandates regarding specific brands of alcohol or pricing for alcohol;

“(G) Restrictions on the age of patrons; and

“(H) Requirements that the applicant or existing licensee use a specific company for services;

“(2) Statements that create administrative procedures in addition to those required by ABRA or any other District agency;

“(3) A requirement that the applicant or existing licensee attend ANC meetings or other community meetings;

“(4) Statements or requirements that the applicant or existing licensee:

“(A) Provide money, special considerations, or other financial benefits to the community;

“(B) Join any group; or

“(C) Hire local individuals; and

“(5) Any requirement that contracts, incident logs, or similar documents, be made available to the ANC or other community groups or members.”.

(t) Section 25-501 is amended by adding a new subsection (f) to read as follows:

“(f) The minimum fee for a stipulated license issued by the Board pursuant to section 200 of Title 23 of the District of Columbia Municipal Regulations (23 DCMR § 200) shall be \$100.”.

(u) Section 25-601 is amended as follows:

(1) The lead-in language is amended by striking the phrase “a new owner license renewal,”.

(2) Paragraph (3)(B) is amended by striking the phrase “meeting being given at least 10 days before the date of the meeting.” and inserting the phrase “meeting given to the voting body and the applicant at least 7 days before the date of the meeting;” in its place.

(v) A new section 25-601.01 is added to read as follows:

“§ 25-601.01. Certain documents to be made available.

“An ANC, or citizens association meeting the requirements of § 25-601(3), may request from ABRA or the Board a copy of a contract to which a licensee is a party, an incident log kept by a licensee, or similar document, if obtained by ABRA or the Board pursuant to this title.”.

(w) Section 25-609 is amended as follows:

(1) The existing language is designated as subsection (a).

(2) The newly designated subsection (a) is amended as follows:

(A) Strike the phrase “if any,” and insert the phrase “if any, and serve a

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copy upon the applicant or licensee,” in its place.

(B) Strike the phrase “Whether or not” and insert the word “Whether” in its place.

(C) Strike the phrase “The applicant” and insert the phrase “The applicant or licensee” in its place.

(3) A new subsection (b) is added to read as follows:

“(b) In the event that an affected ANC submits a settlement agreement to the Board on a protested license application, the Board, upon its approval of the settlement agreement, shall dismiss any protest of a group of no fewer than 5 residents or property owners meeting the requirements of § 25-601(2). The Board shall not dismiss a protest filed by another affected ANC or by a citizens association meeting the requirements of § 25-601(3) upon the Board’s approval of an ANC’s settlement agreement submission.”.

(x) Section 25-711(a) is amended by striking the phrase “voluntary agreement” wherever it appears and inserting the phrase “settlement agreement” in its place.

(y) Section 25-722(b) is amended by striking the phrase “class B” and inserting the phrase “class A or B” in its place.”.

(z) Section 25-723 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “closed miniature containers of alcoholic beverages” and inserting the phrase “miniatures as defined in § 25-101(32A)” in its place.

(2) Subsection (d) is amended by adding a new paragraph (4) to read as follows:

“(4) This subsection shall expire on September 30, 2013.”.

(3) A new subsection (f) is added to read as follows:

“(f)(1) During the beginning of daylight saving time under § 28-2711, on the 2nd Sunday of March of each year, a licensee under an on-premises retailer’s license may sell and serve alcoholic beverages between 3:00 a.m. and 4:00 a.m.

“(2) A licensee operating under an on-premises retailer’s license shall not be required to obtain Board approval to sell or serve alcoholic beverages in accordance with paragraph (1) of this subsection.

“(3) This subsection shall apply as of October 1, 2013.”.

(aa) Section 25-724 is amended by striking the phrase “voluntary agreement” and inserting the phrase “settlement agreement” in its place.

(bb) Section 25-725 is amended as follows:

(1) Subsection (b) is amended as follows:

(A) Paragraph (3) is amended by striking the word “or” at the end.

(B) Paragraph (4) is amended by striking the period at the end and inserting the phrase “; or” in its place.

(C) A new paragraph (5) is added to read as follows:

“(5) Heating, ventilation, and air conditioning devices.”.

(2) New subsections (d) and (e) are added to read as follows:

“(d)(1) ABRA shall maintain a complaint program to receive noise complaints by phone,

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email, and fax. The complaint program shall be staffed by an ABRA employee until at least one hour after the end time for the legal sale of alcoholic beverages as set forth in § 25-723.

“(2) ABRA shall keep records regarding noise complaints and record the following information at the time the complaint is made:

“(A) The time and date of the complaint;

“(B) The name and address of the establishment that is the subject of the complaint;

“(C) The name and address of the complainant, if available;

“(D) The nature of the noise complaint; and

“(E) Whether the complaint was substantiated by ABRA.

“(3) Upon receipt of a noise complaint, ABRA shall attempt to contact the establishment by phone or in person and inform the ABC manager on-duty that a noise complaint has been received and describe the nature of the complaint.

“(4) ABRA shall notify the licensee of the complaint by e-mail, phone, or registered mail within 72 hours of receiving the complaint. ABRA shall notify the licensee of the results of any investigation that may result in a show cause hearing within 90 days as required by § 25-832.

“(e) The windows and doors of an establishment from which noise can be heard shall remain open or closed, as they were at the time the complaint was made, in order for an ABRA investigator or Metropolitan Police Department officer to determine whether a violation of subsection (a) of this section exists. The ABRA investigator shall have the authority to direct that windows and doors be closed or opened.”

(cc) Section 25-783 is amended by adding a new subsection (e) to read as follows:

“(e) An affirmative defense to a violation of subsection (a) of this section shall be that the person was at the time of the violation 21 years of age or older.”

(dd) Section 25-791 is amended by adding a new subsection (c-1) to read as follows:

“(c-1)(1) Except as proved by paragraph (3) of this subsection, the Board shall assess licenses in safekeeping a fee of 25% of the annual license fee for every 6 months that the license remains in safekeeping. The initial 6-month fee shall be paid by the licensee at the time the license is placed in safekeeping. Each additional 6-month safekeeping fee shall be paid in advance by the licensee.

“(2) After 4 consecutive 6-month periods of safekeeping, the safekeeping fee shall be 50% of the annual license fee for every 6 months that the license remains in safekeeping.

“(3) The safekeeping fee required by this subsection shall not apply to a licensee serving a suspension.”

(ee) Section 25-823(6) is amended by striking the phrase “voluntary agreement” and inserting the phrase “settlement agreement” in its place.

(ff) Section 25-826(b) is amended by striking the phrase “The Board may summarily” and inserting the phrase word “The Board, after investigation, may summarily” in its place.

(gg) Section 25-830 is amended as follows:

(1) Subsection (c) is amended as follows:

ENROLLED ORIGINAL

(A) Paragraph (3) is amended to read as follows:

“(3) A licensee found in violation of a primary tier offense for the 4th time within 4 years shall have the license either revoked or fined no less than \$30,000 and suspended for 30 consecutive days.”.

(B) A new paragraph (4) is added to read as follows:

“(4) A licensee found in violation of a primary tier offense for the 5th time within 4 years shall have the license revoked.”.

(2) New subsections (i) and (j) are added to read as follows:

“(i) It shall be a primary tier violation for a licensee to sell or serve alcohol on a suspended or expired license or a license held in safekeeping.

“(j) It shall be a primary tier violation for a licensee to fail to comply with either of the statutory food requirements in § 25-113(b)(3)(B).”.

Sec. 3. Conforming amendments.

(a) Section 47-2002(b) of the District of Columbia Official Code is amended by striking the phrase “\$460,000 annually” and inserting the phrase “\$1,170,000 annually” in its place.

(b) Title 23 of the District of Columbia Municipal Regulations is amended as follows:

(1) Section 1208 is amended by adding a new subsection 1208.6 to read as follows:

“1208.6 The holder of a Retailer’s, Manufacturer’s, or Wholesaler’s license may store books and records on the licensed premises electronically; provided, that the records are made immediately available at the request of ABRA staff.”.

(2) Subsection 2002.1 is amended by adding the phrase “, other than one also holding an on-premises retailer’s license under D.C. Official Code § 25-113(a)-(e),” after the phrase “licensed under § 2000.1,”.

(3) A new subsection 2002.3 is added to read as follows:

“2002.3 Any caterer that also holds an on-premises retailer’s license under D.C. Official Code § 25-113(a)-(e) shall be exempt from the provisions of this section.”.

(4) Subsection 2003.1 is amended by adding a new sentence at the end to read as follows: “Specific approval shall not be required for any caterer that also holds an on-premises retailer’s license under D.C. Official Code § 25-113 (a)-(e).”.

Sec. 4. Applicability.

This act shall apply as of April 14, 2013.

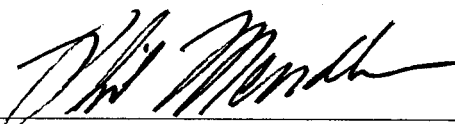
Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Omnibus Alcoholic Beverage Regulation Amendment Act of 2012, signed by the Mayor on February 11, 2013 (D.C. Act 19-678; 60 DCR 3410), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

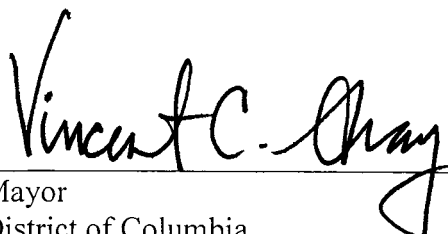
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Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 22, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-53

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 17, 2013

To amend, on an emergency basis, the Department of Health Functions Clarification Act of 2001 to authorize the Director of the Department of Health to award grants in fiscal year 2013 or clinical nutritional home delivery services for individuals living with cancer and other life-threatening diseases, ambulatory health services, poison control hotline and prevention education services, operations and primary care services for school-based health clinics, and a teen pregnancy prevention program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Department of Health Grant-Making Authority Emergency Amendment Act of 2013".

Sec. 2. Section 4907a of the Department of Health Functions Clarification Act of 2001, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 7-736.01), is amended by adding new subsections (c), (d), and (e) to read as follows:

“(c) For fiscal year 2013, the Director of the Department of Health shall have the authority to issue grants to qualified community organizations for the purpose of providing the following services:

“(1) Clinical nutritional home delivery services for individuals living with cancer and other life-threatening diseases;

“(2) Ambulatory health services for an amount not to exceed \$3,239,980;

“(3) Poison control hotline and prevention education services for an amount not to exceed \$350,000;

“(4) Operations and primary care services for school-based health clinics for an amount not to exceed \$1,350,000; and

“(5) A teen pregnancy prevention program for an amount not to exceed \$500,000.

“(d) Any grant in excess of \$250,000 issued pursuant to subsection (c) of this section shall be awarded through a competitive process unless otherwise authorized under law.

“(e) The Department of Health shall submit a quarterly report to the Council on all grants issued pursuant to the authority granted in subsection (c) of this section.”

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal

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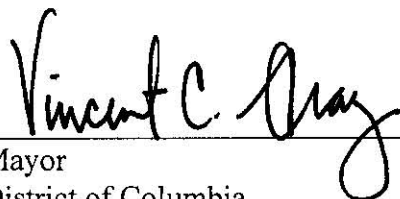
impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor, (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 17, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-54

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 22, 2013

To amend, on a temporary basis, the Procurement Practices Reform Act of 2010 to streamline and provide a cooperative interagency structure for the coordination of capital, operating, and supportive services funding for the production of permanent supportive housing units for individuals and families who are homeless or at risk of homelessness.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Permanent Supportive Housing Application Streamlining Temporary Amendment Act of 2013”.

Sec. 2. Section 105(c) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.05(c)), is amended as follows:

(a) Paragraph (14) is amended by striking the word “and” after the semicolon.

(b) Paragraph (15) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(c) A new paragraph (16) is added to read as follows:

“(16) The procurement, by the Department of Housing and Community Development or the Department of Human Services, of goods and services related to the production of permanent supportive housing units produced through fiscal year 2018.”.

Sec. 3. Fiscal impact statement.

The Council adopts the February 26, 2013 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D. C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

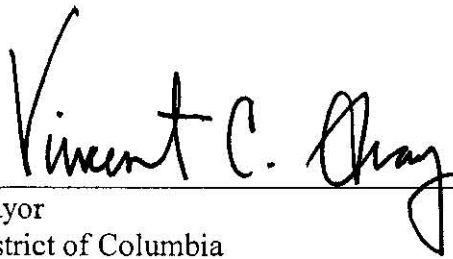
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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 22, 2013

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AN ACT
D.C. ACT 20-55

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
APRIL 22, 2013

To authorize, on an emergency basis, due to Congressional review, the Director of the Department of Employment Services to issue grants from funds appropriated to or received by the Department of Employment Services for workforce job development purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Workforce Job Development Grant-Making Authority Second Congressional Review Emergency Act of 2013”.

Sec. 2. Workforce job development grant-making authority.

(a) The Director of the Department of Employment Services (“DOES”) may issue grants to individuals and organizations from the funds made available to the DOES pursuant to local appropriations or the federal Workforce Investment Act of 1998, approved August 7, 1998 (112 Stat. 936; 29 U.S.C § 2822), for workforce development purposes, including increasing occupational skills, job retention, employment opportunities, and earnings of the District’s workforce pursuant to:

- (1) Section 2 of the Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-241);
- (2) Section 2a of the Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-242);
- (3) Section 203 of the Way to Work Amendment Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code § 32-752);
- (4) Sections 2102 and 2103 of the Transitional Employment Program and Apprenticeship Initiative Establishment Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code §§ 32-1331 and 32-1332); and
- (5) Section 11 of the Workforce Investment Implementation Act of 2000, effective July 18, 2000 (D.C. Law 13-150; D.C. Official Code § 32-1610).

(b) Notwithstanding the provisions of D.C. Official Code §47-368.06, grants that may be issued pursuant to this section include grants that the Mayor, Director of the DOES, or an agency

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receives through an intra-District transfer, a memorandum of understanding, or a reprogramming from an agency lacking grant-making authority.

(c) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act.

Sec. 3. Applicability.

This act shall apply as of April 11, 2013.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
April 22, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-56

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 23, 2013

To amend, on an emergency basis, due to Congressional review, section 47-4654 of the District of Columbia Official Code to extend the real property exemption of certain properties owned by Beulah Baptist Church of Deanwood Heights, the Beulah Community Improvement Association, and the Dix Street Corridor Senior Housing, LP, from September 30, 2010 through September 30, 2020.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Beulah Baptist Church Real Property Equitable Tax Relief Congressional Review Emergency Act of 2013".

Sec. 2. Section 47-4654(d) of the District of Columbia Official Code is amended by striking the phrase "September 30, 2010." and inserting the phrase "September 30, 2020, and any real property taxes, interest, penalties, fees, or other related charges assessed, as of the effective date of this act, against this real property with respect to this period are forgiven and any payment already made shall be refunded." in its place.

Sec. 3. Applicability.

This act shall apply as of April 22, 2013.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

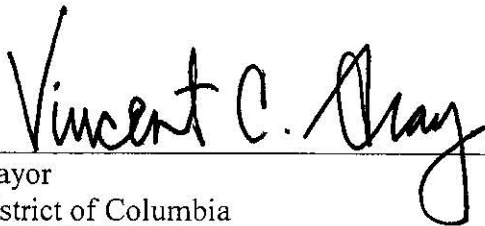
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 23, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-57

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 23, 2013

To amend, on an emergency basis, due to Congressional review, section 47-1086 of the District of Columbia Official Code to restore the applicability provision of the real-property-tax exemption granted to the United House of Prayer for All People.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “United House of Prayer for All People Real Property Tax Exemption Technical Congressional Review Emergency Act of 2013”.

Sec. 2. Section 47-1086 of the District of Columbia Official Code is amended by adding a new subsection (c) to read as follows:

“(c) This section shall apply as of March 1, 2011.”.

Sec. 3. Applicability date

This act shall apply as of April 14, 2013.

Sec. 4. Fiscal impact statement.


The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5 Effective date.

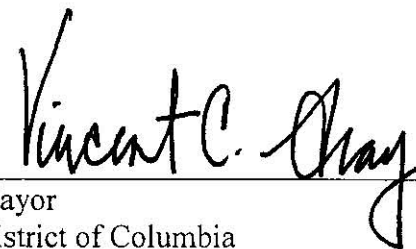
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 23, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-58

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 23, 2013

To exempt, on an emergency basis, the transfer of real property known as Lot 20 in Square 532, located at 441 4th Street, N.W., to the District of Columbia from the transfer tax.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Transfer of Real Property Located at 441 4th Street, N.W., to the District of Columbia Transfer Tax Exemption Emergency Act of 2013".

Sec. 2. The transfer of the real property known as Lot 20 in Square 532, located at 441 4th Street, N.W., to the District of Columbia, pursuant to the terms of a lease purchase agreement dated January 1, 1993, shall be exempt from the tax imposed by Chapter 9 of Title 47 of the District of Columbia Official Code."

Sec. 3. Fiscal impact statement.

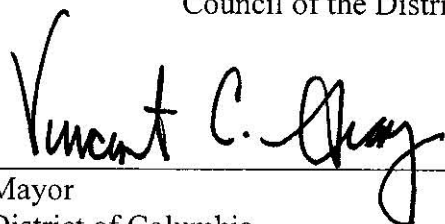
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 23, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-59

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 23, 2013

To amend, on a temporary basis, the District of Columbia Public Assistance Act of 1982 to delay the next scheduled reduction in Temporary Assistance for Needy Families payments from April 1, 2013, until October 1, 2013.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Temporary Assistance for Needy Families Time Extension Temporary Amendment Act of 2013".

Sec. 2. Section 552 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.52), is amended by adding a new subsection (c-2A) to read as follows:

"(c-2A) Notwithstanding subsection (c-3)(1) of this section, for the time period April 1, 2013, through September 30, 2013, the level of public assistance payment for assistance units subject to section 511b shall be as set forth in subsection (c-2) of this section."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

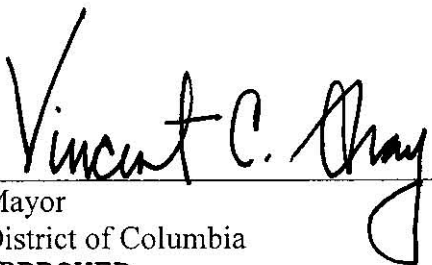
ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 23, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-60

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 25, 2013

To amend, on a temporary basis, subsection 807.1 of Title 23 of the District of Columbia Municipal Regulations to revise the definition of an “egregious” first-time sale to minor violation and clarify that an Alcoholic Beverage Control Board licensee that can be established to have had a pattern of prior alcoholic beverage sales or service to minors has committed an “egregious” first-time sale to minor violation and is not entitled to a written warning.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Egregious First-Time Sale to Minor Clarification Temporary Amendment Act of 2013”.

Sec. 2. Subsection 807.1 of Title 23 of the District of Columbia Municipal Regulations (23 DCMR § 807.1) is amended by striking the phrase “or, (2) intentionally sold an alcoholic beverage to a minor.” and inserting the phrase “; (2) intentionally sold an alcoholic beverage to a minor; or (3) can be established to have had a pattern of prior alcoholic beverage sales or service to minors.” in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).


Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

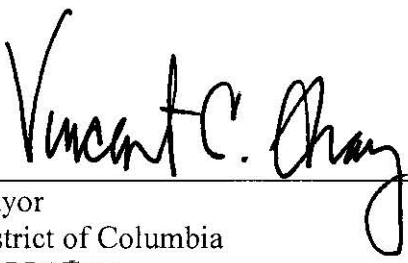
ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 25, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-61

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 27, 2013

To amend, on an emergency basis, due to Congressional review, the Legalization of Marijuana for Medical Treatment Initiative of 1999 to prohibit locating medical marijuana cultivation centers in certain Retail Priority Areas.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Medical Marijuana Cultivation Center Congressional Review Emergency Amendment Act of 2013".

Sec. 2. Section 7 of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.06), is amended by adding a new subsection (g-1) to read as follows:

"(g-1)(1) A cultivation center shall not be located within a Retail Priority Area, as designated pursuant to section 4 of the Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.73), and as approved by the Council pursuant to the Great Streets Neighborhood Retail Priority Areas Approval Resolution of 2007, effective July 10, 2007 (Res. 17-025; 54 DCR 7194).

"(2) The prohibition set forth in paragraph (1) of this subsection shall apply only to applications pending as of the effective date of the Medical Marijuana Cultivation Center Emergency Amendment Act of 2012, effective April 7, 2012 (D.C. Act 19-339; 59 DCR 2784).

"(3) Any applicant with a pending application for a registration to operate a cultivation center within a Retail Priority Area as identified in paragraph (1) of this subsection shall be allowed to modify the application within 180 days of the effective date of the Medical Marijuana Cultivation Center Temporary Amendment Act of 2013, signed by the Mayor on March 5, 2013 (D.C. Act 20-13; 60 DCR 3962), without negatively affecting the current status of the application."

Sec. 3. Applicability.

This act shall apply as of April 29, 2013.

ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia

UNSTIGNED

Mayor
District of Columbia
April 25, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 20-62

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
APRIL 30, 2013

To require, on an emergency basis, the Director of the Department of Small and Local Business Development send notices to the developers that failed to submit Certified Business Enterprise ("CBE") subcontracting monitoring and compliance reports or failed to meet their CBE expenditure goals as of September 30, 2012, to give the developer 30 days upon receipt of the notice to show the developer has met its CBE expenditure goal or to submit a new plan to the Director, to require the Director to refer the developer to the Office of Attorney General and the Office of Contracting and Procurement for willfully breaching a subcontracting plan if the developer fails to reply to the notice, to require the Director to send a notice thanking all developers who have met their CBE expenditure goals; and to require the District government to refer any false statements of CBE utilizations on bids or proposals to the United States Attorney's Office of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Certified Business Enterprise Compliance Emergency Act of 2013".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Auditor" means the Office of the District of Columbia Auditor.
- (2) "Audit report" means the "Letter Report on Certified Business Enterprise Expenditures of Public-Private Development Construction Projects for Fiscal Year 2012," issued by the auditor on January 17, 2013.
- (3) "CBE" means Certified Business Enterprise.
- (4) "Department" means the Department of Small and Local Business Development.
- (5) "Developer" means any entity that is required to meet the 35% CBE subcontracting requirement as outlined in the audit report.
- (6) "Director" means the Director of the Department of Small and Local Business Development.

Sec. 3. Findings.

The Council of the District of Columbia finds that:

ENROLLED ORIGINAL

(1) According to the auditor, there are 247 public-private development construction projects which have a 35% CBE subcontracting requirement.

(2) Only 25 projects have met or exceeded their CBE expenditure goal.

(3)(A) 54 developers have submitted CBE subcontracting expenditure plans, but have not met their CBE subcontracting goal as of September 30, 2012.

(B) The 54 public-private development construction projects have a total CBE expenditure goal of \$1,391,581,471.50; only \$262,837,361.90 has been allocated to CBEs as of September 30, 2012.

(C) The developers at the 54 projects have only met 19% of their CBE expenditure goal or they have a CBE goal deficit of \$1,128,744,109.60.

(4) 168 developers, which account for 68% of the public-private development construction projects in the District, have not submitted a CBE expenditure goal.

Sec. 4. Director's notice to developers.

(a)(1) Within 15 days of the effective date of this act, the Director shall send notices by certified mail to the 168 developers that failed to submit CBE expenditure reports as detailed by the Auditor in the audit report.

(2) The notice shall contain the following information:

(A) The developer is in violation of section 2348 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.48), which requires the developer to submit a subcontracting plan monitoring or compliance report to the Department.

(B)(i) The developer has 30 days upon receipt of the notice to reply to the Director showing that the developer has met its CBE utilization goal.

(ii) If the developer has not met its CBE utilization goal, the developer must submit a new plan to the Department detailing how and when it intends to meet its goal.

(iii) The new plan must be approved by the Director.

(3) If the developer fails to reply within 30 days upon receipt of the notice, the developer shall be referred to the Office of Attorney General and Office of Contracting and Procurement for further action.

(b)(1) Within 15 days of the effective date of this act, the Director shall send notices by certified mail to the 54 developers that submitted CBE expenditure reports but have not met their CBE expenditure goal as of September 30, 2012 as detailed by the Auditor in the audit report.

(2) The notice shall contain the following information:

(A) The developer has 30 days upon receipt of the notice to reply to the Director showing that the developer has met its CBE utilization goal.

(B) If the developer has not met its CBE utilization goal, the developer must submit a new plan to the Department detailing how and when it intends to meet its goal.

(C) The new plan must be approved by the Director.

ENROLLED ORIGINAL

(3) If the developer fails to reply within 30 days upon receipt of the notice, the developer shall be referred to the Office of Attorney General and Office of Contracting and Procurement for further action.

(c) Within 15 days of the effective date of this act, the Director shall send notices by certified mail to the 25 developers that have met their CBE expenditure goals as detailed by the Auditor in the audit report thanking them for being in compliance with the law and for helping with the growth and development of District-based businesses.

Sec. 5. Referral to the Office of Attorney General and Office of Contracting and Procurement.

(a) Any developer who fails to meet the requirements of section 3(a) and (b) shall be referred to the Office of Attorney General and the Office of Contracting and Procurement.

(b) The Director shall request that the Office of Attorney General pursue civil penalties against the developer for being in willful breach of the subcontracting plan as required by section 2348 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.48).

(c) The Director shall request that the Office of Contracting and Procurement, pursuant to section 907 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-359.07), begin with debarment and suspension proceedings against the developer for a willful violation of the contracting provisions that provide 35% of the work must be subcontracted to a CBE.

Sec. 6. Referral to United States Attorney's Office for the District of Columbia.

If, during any proceedings conducted by the Department, the Office of Attorney General, or the Office of Contracting and Procurement, it is discovered that the developer breached the requirements of section 2364 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.64), the developer shall be referred to the United States Attorney's Office for the District of Columbia and a request shall be made to pursue criminal penalties against the developer.

Sec. 7. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
April 25, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 20-63

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
APRIL 24, 2013

To amend, on a temporary basis, the District of Columbia Medical Liability Captive Insurance Agency Establishment Act of 2008 to change the name of the District of Columbia Medical Liability Captive Insurance Agency to the District of Columbia Medical Liability and Earthquake Captive Insurance Agency, to provide property insurance for risks to certain District government real property assets and District personal property located within those real property assets for earthquake and earthquake-related hazards and risks, to authorize the agency to enter into contracts with other insurance companies and re-insurers, and to require the agency's plan of operation to be modified to include procedures for offering property insurance.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Captive Earthquake Property Insurance Temporary Amendment Act of 2013".

Sec. 2. The District of Columbia Medical Liability Captive Insurance Agency Establishment Act of 2008, effective July 18, 2008 (D.C. Law 17-196; D.C. Official Code § 1-307.81 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-307.81) is amended as follows:

(1) Paragraph (2) is amended to read as follows:

"(2) "Agency" means the District of Columbia Medical Liability and Earthquake Captive Insurance Agency."

(2) A new paragraph (4A) is added to read as follows:

"(4A) "District" means District of Columbia."

(3) A new paragraph (4B) is added to read as follows:

"(4B) "District real property asset" means the following: DCS-020 MPD Boys and Girls Club, 801 Shepherd Street, N.W.; DCS-061 - DCPS Logistic Warehouse, 2000 Adams Place, N.E. ; MTA-043 Murch Elementary School, 4810 36th Street, N.W.; MTA-067 Ross Elementary School – Repairs, 1730 R Street, N.W.; MTA-066 Maury Elementary School – Repair, 1250 Constitution Avenue, N.E.; MTA-026 Whittier Education Campus, 6201 5th Street, N.W.; MTA-068 Bunker Hill Elementary School, 1401 Michigan Avenue, N.E.; DCS-027 - 4 Story Brick and Reinforced Concrete Building, 1413 Girard Street, N.W.; MTA-050 Walker-Jones Elementary School, 100 L Street, N.W.; MTA-045 Seaton Elementary School, 1503 10th

ENROLLED ORIGINAL

Street, N.W.; MTA-053 Shepherd Elementary School, 7800 14th Street, S.E.; MTA-054 Fletcher Johnson Elementary School, 4650 Benning Road, S.E.; DCS-078 D.C. Therapeutic/TR Center 3030 G Street, S.E.; DCS-025 Lab Building, 5000 Overlook Avenue, S.W.; MTA-051 West Elementary School, 1338 Farragut Street, N.W.; MTA-029 Leckie Elementary School, 4200 Martin Luther King, Jr. Avenue, S.E.; MTA-049 Emery Elementary School, 1720 1st Street, N.E.; MTA-057 C.W. Harris Elementary School, 301 53rd Street, S.E.; DCS-031 Model Cities Senior Wellness Center, 1901 Evarts Street, N.E.; DCS-063 Metropolitan Police Department, 2nd District, 3320 Idaho Avenue, N.W.; MTA-039 Columbia Heights Education Campus, 3101 16th Street, N.W.; MTA-058 Patterson Elementary School, 4399 South Capital Terrace, S.W.; MTA-059 M.C. Terrell Elementary School, 3301 Wheeler Road, S.E.; DCS-087 Sumner School, 1201 17th Street, N.W.; DCS-014 301 Bryant Street, N.W.; DCS-021, New York Avenue Shelter, 1357 New York Avenue, N.E.; DCS-024 National Guard Armory D.C. Armory, 2001 East Capitol Street, S.E.; DCS-015 Central Maintenance Facility, 5000 Overlook Avenue, S.W.; DCS-016 Reinforced Concrete Building, 2720 Martin Luther King Jr. Avenue, S.E.; DCS-035 Sherwood Recreation Center, 640 10th Street, N.E.; DCS-044 310 McMillan Drive, N.W.; DCS-020 New Endeavors, 611 N Street, N.W.; DCS-092 Pump Station B2-1, 5000 Overlook Avenue, S.W.; MTA-033 School Without Walls High School, 2130 G Street, N.W.; MTA-040 Eastern Senior High School, 1700 East Capitol Street, N.E.; MTA-035 Stuart Hobson Middle School, 410 E Street, N.E.; MTA-024 Drew Elementary School, 5600 Eads Street, N.E.; MTA-060 Coolidge Senior High School, 6315 5th Street, N.W.; MTA-061 Langley Education Campus, 101 T Street, N.E.; MTA-023 Paul Public Charter School, 5800 8th Street, N.W.; MTA-048 Eaton Elementary School, 3301 Lowell Street, N.W.; DCS-017, One Judiciary Square, 441 4th Street, N.W.; DCS-018, 1350 Pennsylvania Avenue, N.W.; MTA-046 Amidon Elementary School, 401 Eye Street, S.W.; MTA-041 Eliot Junior High School, 1830 Constitution Avenue, N.E.; MTA-062 Banneker Senior High School, 800 Euclid Street, N.W.; MTA-052 Davis Elementary School, 4430 H Street, S.E.; MTA-044 Nalle Elementary School, 219 50th Street, S.E.; and MTA-042 Peabody Elementary School, 425 C Street, N.E.; and MTA-031 MacFarland Middle School, 4400 Iowa Avenue, N.W.””

(4) Paragraph (5) is amended by striking the phrase “Medical Liability” both times it appears and inserting the phrase “District of Columbia Medical Liability and Earthquake” in its place.

(5) A new paragraph (8A) is added to read as follows:

“(8A) “Medical malpractice” means professional negligence by act or omission by a health care provider in which the treatment provided falls below the accepted standard of practice in the medical community and causes injury or death to the patient, with most cases involving medical error.”

(6) A new paragraph (9A) is added to read as follows:

“(9A) “Property insurance” means an insurance policy that protects against earthquake and earthquake-related hazards and risks.”

(b) Section 3 (D.C. Official Code § 1-307.82) is amended to read as follows:

“Sec. 3. Establishment of the District of Columbia Medical Liability and Earthquake Captive Insurance Agency.

ENROLLED ORIGINAL

“(a) There is established, as a subordinate agency under the Mayor, the District of Columbia Medical Liability and Earthquake Captive Insurance Agency.

“(b) The purpose of the Agency is to:

“(1) Provide medical malpractice liability insurance policies for health centers, including coverage for the staff, contractors, and volunteer service providers for the services provided at the health centers; and

“(2) Provide property insurance for earthquake and earthquake-related hazards and risks for District real property assets and District personal property located within a real property asset.

“(c) The liability of the Agency for property and medical malpractice liability insurance policies shall be limited to the funds in the District of Columbia Medical Liability and Earthquake Captive Trust Fund.”.

(c) Section 4(a) (D.C. Official Code § 1-307.83(a)) is amended as follows:

(1) Paragraph (1) is amended to read as follows:

“(1) By delegation from the Mayor, to exercise procurement authority as is necessary or proper to carry out the provisions and purposes of this act, including contract oversight and contracting:

“(A) With other insurance companies and re-insurers;

“(B) With similar captives of other states for the joint performance of common administrative functions; and

“(C) With persons or other entities for the performance of organizational, management, or administrative functions;”.

(2) A new paragraph (4A) is added to read as follows:

“(4A) Issue policies of property insurance for earthquake and earthquake-related hazards and risks for District real property assets and District personal property located within a real property asset in accordance with the requirements of the plan of operation under section 8;”.

(d) Section 8(b) (D.C. Official Code § 1-307.87(b)) is amended by adding a new paragraph (4A) to read as follows:

“(4A) Establish procedures for the offering of property insurance for earthquake and earthquake-related hazards and risks for District real property assets and District personal property located within a real property asset;”.

(e) Section 11 (D.C. Official Code § 1-307.90) is amended to read as follows:

“Sec. 11. Coverage.

“(a) The Agency shall offer:

“(1) Health centers medical malpractice insurance that is consistent with coverage offered in the market; and

“(2) Property insurance for the benefit of the District for earthquake and earthquake-related hazards and risks for District real property assets and District personal property located within a real property asset that is consistent with coverage offered in the market.

“(b) The insurance policies offered pursuant to this section shall be established by the

ENROLLED ORIGINAL

Risk Officer with the advice of the Advisory Council and subject to the approval of the Commissioner.

“(c) Any policy offered by the Agency shall state that the liability of the Agency shall be limited to the funds in the District of Columbia Medical Liability and Earthquake Captive Trust Fund.”.

(f) Section 12 (D.C. Official Code § 1-307.91) is amended as follows:

(1) The section heading is amended by striking the phrase “Medical Liability” and inserting the phrase “District of Columbia Medical Liability and Earthquake” in its place.

(2) Subsection (a) is amended by striking the phrase “Medical Liability” and inserting the phrase “District of Columbia Medical Liability and Earthquake” in its place.


Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

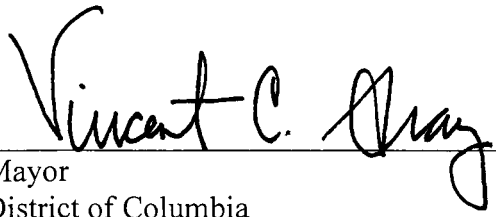
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 24, 2013

PROPOSED RESOLUTIONS cont.

PR20-204 American Public Health Association Refunding Revenue Bonds Project Approval Resolution of 2013

Intro. 04-18-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

PR20-205 Commission on African-American Affairs Lydia Sermons Confirmation Resolution of 2013

Intro. 04-22-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Workforce and Community Affairs

PR20-206 Commission on African-American Affairs Dr. Maurice Jackson Confirmation Resolution of 2013

Intro. 04-22-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Workforce and Community Affairs

PR20-207 Commission on African-American Affairs Charles Evans Confirmation Resolution of 2013

Intro. 04-22-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Workforce and Community Affairs

PR20-208 Commission on African-American Affairs Rev. Dr. Raymond Massenburg Confirmation Resolution of 2013

Intro. 04-22-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Workforce and Community Affairs

PR20-209 Commission on African-American Affairs Charles Hicks Confirmation Resolution of 2013

Intro. 04-22-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Workforce and Community Affairs

PR20-210 Commission on African-American Affairs Dianne Dale Confirmation Resolution of 2013

Intro. 04-22-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Workforce and Community Affairs

PROPOSED RESOLUTIONS cont.

PR20-211 Commission on African-American Affairs Absalom Jordan Confirmation Resolution of 2013

Intro. 04-22-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Workforce and Community Affairs

PR20-212 Commission on African-American Affairs Ms. Kelly Navies Confirmation Resolution of 2013

Intro. 04-22-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Workforce and Community Affairs

PR20-213 Commission on African-American Affairs Dr. Ka'mal McClarin Confirmation Resolution of 2013

Intro. 04-22-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Workforce and Community Affairs

PR20-214 Commission on African-American Affairs Brian Roberts Confirmation Resolution of 2013

Intro. 04-22-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Workforce and Community Affairs

PR20-215 Commission on African-American Affairs Dr. Jesse Bemley Confirmation Resolution of 2013

Intro. 04-22-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Workforce and Community Affairs

PR20-216 Commission on African-American Affairs Reverend Anthony Motley Confirmation Resolution of 2013

Intro. 04-22-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Workforce and Community Affairs

PR20-217 Commission on African-American Affairs Carlton Terry Confirmation Resolution of 2013

Intro. 04-22-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Workforce and Community Affairs

PROPOSED RESOLUTIONS cont.

PR20-218 Commission on African-American Affairs Dr. John W. Franklin Confirmation Resolution of 2013

Intro. 04-22-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Workforce and Community Affairs

PR20-219 Commission on African-American Affairs Dr. Clarence Lusane Confirmation Resolution of 2013

Intro. 04-22-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Workforce and Community Affairs

PR20-220 Commission on African-American Affairs Patsy Fletcher Confirmation Resolution of 2013

Intro. 04-22-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Workforce and Community Affairs

PR20-223 Alcoholic Beverage Control Board Nicole M. Copeland Confirmation Resolution of 2013

Intro. 04-23-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer and Regulatory Affairs

PR20-224 Alcoholic Beverage Control Board James N. Short Confirmation Resolution of 2013

Intro. 04-23-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR

REVISED

NOTICE OF PUBLIC HEARING ON

Bill 20-61, the Non-Driver's Identification Card/Driver's Licensed Amendment Act of 2013

Bill 20-177, the Older Adult Driver Safety Amendment Act of 2013

Bill 20-231, the Veteran Status Designation on Driver's License Amendment Act of 2013

Thursday, June 6, 2013
at 11:00 a.m.
in Room 123 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Thursday, June 6, 2013, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public hearing on Bill 20-61, the Non-Driver's Identification Card/Driver's Licensed Amendment Act of 2013; Bill 20-177, the Older Adult Driver Safety Amendment Act of 2013; and Bill 20-231, the Veteran Status Designation on Driver's License Amendment Act of 2013. The hearing will begin at 11:00 a.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W. **This hearing has been moved to accommodate the Chairman's budget meeting on May 15.**

Bill 20-61, the Non-Driver's Identification Card/Driver's Licensed Amendment Act of 2013, would prohibit the Mayor from requiring a Social Security number from residents who apply for a driver's license or identification card. Bill 20-177, the Older Adult Driver Safety Amendment Act of 2013, would lower from 55 to 50 the eligible age for residents to take a driver safety course that qualifies them for an insurance discount, allow the course to be taken online, and reduce the required hours for the course. Bill 20-231 would require the District to indicate a resident's veteran status on his or her driver's license.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on Wednesday, May 29, 2013.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

REVISED

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING**

on

**Bill 20-126, Closing of Public Streets and Alleys and Elimination of Building Restriction Lines
in and Abutting Squares 5641, N-5641, and S.O. 07-2117, Act of 2013**

Bill 20-69, Dimitar Peshev Plaza Act of 2013

Bill 20-250, Atlas Court Alley Designation Act of 2013

on

**Tuesday, May 28, 2013
11:00 a.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing of the Committee of the Whole on Bill 20-126, the "Closing of Public Streets and Alleys and Elimination of Building Restriction Lines in and Abutting Squares 5641, N-5641, and S.O. 07-2117, Act of 2013," Bill 20-69, the "Dimitar Peshev Plaza Act of 2013," and Bill 20-250, the "Atlas Court Alley Designation Act of 2013." The public hearing will be held Tuesday, May 28, 2013, at 11:00 a.m. in Hearing Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW. **This notice has been revised to reflect the addition of Bill 20-250, the "Atlas Court Alley Designation Act of 2013."**

The stated purpose of Bill 20-126 is to approve the closing of a portion of Akron Place, S.E. abutting squares 5641 and N-5641 and the removal of the building restriction lines along Akron Place, S.E. and the south side of Austin Streets, S.E. in squares 5641 and N-5641 in Ward 7. Approval of Bill 20-126 is related to the development of Skyland Town Center. The stated purpose of Bill 20-69 is to approve the designation of the intersection of 22nd and R Streets, N.W. as Dimitar Peshev Plaza in Ward 2. The stated purpose of Bill 20-250 is to approve the designation of the alleyway in the block bounded by 11th and 12th Streets, N.E. and H and I Streets, N.E. as Atlas Court in Ward 6.

Those who wish to testify are asked to telephone the Committee of the Whole, at (202) 724-8196, or e-mail Crispus Gordon III, Legislative Assistant, at cgordon@dccouncil.us and provide their name, address, telephone number, and organizational affiliation, if any, by the close of business Friday, May 24, 2013. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on May

24, 2013, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses. Copies of Bill 20-126 and Bill 20-69 can be obtained through the Legislative Services Division of the Secretary of the Council or on <http://dcclims1.dccouncil.us/lims>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Tuesday, June 11, 2013.

**Council of the District of Columbia
Committee on the Judiciary and Public Safety
Notice of Public Hearing**

1350 Pennsylvania Avenue, NW, Washington, D.C. 20004

RESCHEDULED

**COUNCILMEMBER TOMMY WELLS, CHAIRPERSON
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY**

ANNOUNCES A PUBLIC HEARING ON

**BILL 20-143, THE “PERSONAL PROPERTY ROBBERY PREVENTION
AMENDMENT ACT OF 2013”**

Wednesday, May 29, 2013

11:00 a.m.

Room 412, John A. Wilson Building

1350 Pennsylvania Avenue, NW

Washington, D.C. 20004

Councilmember Tommy Wells, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing on Bill 20-143, the “Personal Property Robbery Prevention Amendment Act of 2013”. The hearing will be held on Wednesday, May 29, 2013, beginning at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, D.C. 20004. **This hearing has been rescheduled from Thursday May 23, 2013.**

The purpose of this hearing is to receive public comments on Bill 20-143, which would establish a procedure for the Chief of Police to designate and provide notice of high offense contraband, require licensed businesses to maintain records on purchase of high offense contraband, and allow police access to those records. The bill also would amend the Office of Administrative Hearings Establishment Act to include within its jurisdiction post-deprivation hearings within 72 hours of a business license revocation, suspension, or restriction; and amend Title 47 of the District of Columbia Official Code to enable the Chief of Police to request the revocation, suspension, or restriction of a business license where the business is involved with high offense contraband.

The Committee invites the public to testify. Individuals and representatives of organizations who wish to testify should contact Tawanna Shuford at 724-7808 or tshuford@dccouncil.us, and furnish their name, address, telephone number, and organizational affiliation, if any, by 5 p.m. on Friday, May 24, 2013. Witnesses should bring 15 copies of their testimony. Testimony may be limited to 3 minutes for individuals and 5 minutes for those representing organizations or groups.

If you are unable to testify at the public hearing, written statements are encouraged and will be made part of the official record. Written statements should be submitted by 5 pm Wednesday, June 12, 2013 to Ms. Shuford, Committee on the Judiciary and Public Safety, Room 109, 1350 Pennsylvania Avenue, NW, Washington, D.C., 20004, or via email at tshuford@dccouncil.us.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR

NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE ON

Safety in Taxicabs

and the

**Implementation of the Taxicab Service
Improvement Amendment Act of 2012**

at 11:00 a.m.
on June 5, 2013
in Room 500 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On June 5, 2013, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public oversight roundtable on Safety in Taxicabs and the Implementation of the Taxicab Service Improvement Amendment Act of 2013. The Roundtable will begin at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

On February 25, 2013, the Committee held its annual oversight hearing on the District of Columbia Taxicab Commission. During this hearing, the Commission stated that it receives approximately 150 complaints per month, 80% of which are from women who feel threatened, harassed, or unsafe in taxicabs. The purpose of this hearing is to understand the processes by which the Commission evaluates, investigates, and resolves these complaints.

The hearing will also consider the implementation of D.C. Law 19-184, the Taxicab Service Improvement Amendment Act of 2012. Among other things, this law requires taxis to accept credit cards, maintain a digital manifest, install passenger and driver security devices, install a passenger information display with GPS navigation, and adopt a uniform color scheme and cruising lights. The law also increases training for drivers and hack inspectors, encourages taxis that are environmentally friendly and accessible to persons with disabilities, and seeks to increase taxi service to underserved areas of the District.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals

will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on June 19, 2013.

**Council of the District of Columbia
Committee on Health
Notice of Public Oversight Roundtable
1350 Pennsylvania Ave., N.W., Washington, D.C. 20004**

**COUNCILMEMBER YVETTE M. ALEXANDER, CHAIRPERSON
COMMITTEE ON HEALTH ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE**

on

The District of Columbia Health Benefit Exchange Authority

**Monday, May 13, 2013
11:00 a.m., Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

Councilmember Yvette M. Alexander, Chairperson of the Committee on Health, announces a public oversight roundtable on the implementation of the District of Columbia Health Benefit Exchange. The roundtable will be held at 11:00 a.m. on Monday, May 13, 2013 in Room 123 of the John A. Wilson Building.

The purpose of this public oversight roundtable is to provide the public with an opportunity to comment on the District's Health Benefit Exchange Authority and its continuing efforts to implement the Affordable Care Act.

Those who wish to testify should contact Melanie Williamson, Legislative Counsel, at (202) 741-2112 or via e-mail at mwilliamson@dccouncil.us and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Thursday, May 9, 2013. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on Thursday, May 9, 2013, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted either to Ms. Williamson, or to Ms. Nyasha Smith, Secretary to the Council, Room 5 of the Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004. The record will close at 5:00 p.m. on May 23, 2013.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR

REVISED

NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE ON

The District of Columbia Streetcar System

at 11:00 a.m.
on July 1, 2013
in Room 500 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On July 1, 2013, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public oversight roundtable on the District of Columbia Streetcar System. The Roundtable will begin at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W. **This notice is revised to reflect a change in date for this roundtable.**

The District Department of Transportation has planned an 8-line, 37-mile streetcar system throughout the District. Passenger service is expected to begin on the initial H Street / Benning Road segment by the end of 2013. The District is already spending tens of millions of dollars on the streetcar system and has budgeted an additional \$400 million during the next 6 years. At the same time, the Mayor has convened a task force to consider the future governance and financing of the system, and he has solicited private companies to help build, operate, and maintain the first 22-miles of streetcar service. The purpose of this hearing is to discuss the status of the initial segment, plans for future lines, proposals from the private sector, governance alternatives, and financing options for the streetcar system.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on July 12, 2013.

Council of the District of Columbia
Committee on Human Services
Notice of Public Oversight Roundtable

1350 Pennsylvania Avenue, N.W., Room 116, Washington, D.C. 20004

**THE COMMITTEE ON HUMAN SERVICES
JIM GRAHAM, CHAIRPERSON**

**ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON
THE STATUS OF THE *EVANS V. GRAY* CASE AND
THE DEPARTMENT ON DISABILITY SERVICES EXIT PLAN**

THURSDAY, JUNE 13, 2013 – 11:00 A.M.

**ROOM 123
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

On Thursday, June 13, 2013, Councilmember Jim Graham, Chairperson of the Committee on Human Services, will convene a public oversight roundtable on the status of the *Evans v. Gray* class action litigation and the progress and plans of the Department on Disability Services to come into compliance and exit the longstanding litigation.

The purpose of the roundtable will be to hear from the Department of Disability Services Director, the Court-Appointed Independent Compliance Monitor and the Court-Appointed Monitor in the case, as well as from all interested stakeholders.

Those who wish to testify should contact Mr. Malcolm Cameron of the Committee on Human Services by email at mcameron@dccouncil.us or by telephone at (202) 724-8191. Email contacts to Mr. Cameron should include the residential ward, full name, title, and affiliation -- if applicable -- of the person(s) testifying. Witnesses should bring 15 copies of their written testimony to the hearing. Individuals will be permitted 3 minutes for oral presentation -- individuals representing organizations or groups will be permitted 5 minutes.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Copies of written statements should be emailed to Mr. Malcolm Cameron at mcameron@dccouncil.us or submitted to the Committee on Human Services at 1350 Pennsylvania Avenue, N.W., Suite 116, Washington, D.C. 20004, by no later than 6:00 p.m., Tuesday, June 25, 2013, when the official record will close.

Council of the District of Columbia
Committee on Economic Development
Notice of Joint Public Roundtable
1350 Pennsylvania Avenue, N.W. Washington, DC 20004

**COUNCILMEMBER MURIEL BOWSER, CHAIRPERSON
COMMITTEE ON ECONOMIC DEVELOPMENT**

AND

**COUNCILMEMBER KENYAN McDUFFIE, CHAIRPERSON
COMMITTEE ON GOVERNMENT OPERATIONS**

ANNOUNCE A PUBLIC ROUNDTABLE

ON

**PROPOSED RESOLUTION 20-95, THE "903 FRANKLIN STREET, NE SURPLUS
DECLARATION RESOLUTION OF 2013"**

**PROPOSED RESOLUTION 20-96, THE "903 FRANKLIN STREET, NE DISPOSITION
APPROVAL RESOLUTION OF 2013"**

**PROPOSED RESOLUTION 20-106, THE "SLOWE SCHOOL SURPLUS DECLARATION
RESOLUTION OF 2013"**

**PROPOSED RESOLUTION 20-107, THE "SLOWE SCHOOL DISPOSITION APPROVAL
RESOLUTION OF 2013"**

MAY 13, 2013

10:00 AM

ROOM 412

JOHN A. WILSON BUILDING

1350 PENNSYLVANIA AVENUE, N.W.

On May 13, 2013, Councilmember Muriel Bowser, Chairperson of the Committee on Economic Development and Councilmember Kenyan McDuffie, Chairperson of the Committee on Government Operations, will hold a joint public roundtable on Proposed Resolution 20-95, the "903 Franklin Street, NE Surplus Declaration Resolution of 2013," Proposed Resolution 20-96, the "903 Franklin Street, NE Disposition Approval Resolution of 2013," Proposed Resolution

006424

20-106, the "Slowe School Surplus Declaration Resolution of 2013," and Proposed Resolution 20-107, the "Slowe School Disposition Approval Resolution of 2013."

PR20-95 and PR20-96, if approved, would designate the subject property as no longer required for governmental purposes and would authorize the Department of General Services to enter into a real property purchase agreement with Morgans Inc., for the property located at 903 Franklin Street, NE. This property acquired by the District of Columbia on January 24, 1968, would no longer be required for public purposes because the property is deteriorating and requires renovation that is not cost-effective for the District of Columbia to maintain. The purchaser would be required to enter into a First Source agreement and a CBE agreement with the District of Columbia.

PR20-106 and PR20-107, if approved, would designate the subject property as no longer required for governmental purposes and would authorize the Department of General Services to enter into a negotiated ground lease with Mary McLeod Bethune Public Charter School, for real estate located at 1404 Jackson Street, also known as the Slowe School. This disposition would create a ground lease of more than 20 years and would require that the property be used primarily as a charter school. The lease additionally requires that Mary McLeod Bethune enter into a First Source Agreement and a CBE Agreement. Approval of this resolution would mean that the Slowe School property is no longer required for public purposes.

The surplus declaration resolutions (PR 20-95, and PR 20-106) were referred to the Committee on Government Operations. The disposition resolutions (PR 20-96, and PR 20-107) were referred to the Committee on Economic Development.

The public roundtable will begin at 10:00 AM in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

Individuals and representatives of organizations wishing to testify should contact Rob Hawkins, Legislative Director to the Committee on Economic Development, at (202) 724-8052, or rhawkins@dccouncil.us and furnish their name, address, telephone number, and organizational affiliation, if any, by the close of business Friday, May 10, 2013. Persons presenting testimony may be limited to 3 minutes in order to permit each witness an opportunity to be heard.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee on Economic Development, Council of the District of Columbia, Suite 112 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

**Council of the District of Columbia
Committee on the Judiciary and Public Safety
Notice of Public Roundtable**

1350 Pennsylvania Avenue, NW, Washington, D.C. 20004

**COUNCILMEMBER TOMMY WELLS, CHAIRPERSON
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY**

ANNOUNCES A PUBLIC ROUNDTABLE ON

PR 20-160, THE "FEMS AMBULANCE REDEPLOYMENT RESOLUTION OF 2013"

Friday, May 17, 2013

11:30 A.M.

Room 500, John A. Wilson Building

1350 Pennsylvania Avenue, NW

Washington, D.C. 20004

Councilmember Tommy Wells, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public roundtable on Proposed Resolution 20-160, the "FEMS Ambulance Redeployment Resolution of 2013". The hearing will be held on Friday, May 17, 2013, beginning at 11:30 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, DC 20004.

The purpose of this hearing is to receive public comment on the Mayor's proposal to amend the current Fire and Emergency Medical Services (FEMS) Ambulance deployment plan to allow for increased ambulance deployment during peak hours of service.

The Committee invites the public to testify. Individuals and representatives of organizations who wish to testify should contact Tawanna Shuford at 724-7808 or tshuford@dccouncil.us, and furnish their name, address, telephone number, and organizational affiliation, if any, by 5 p.m. on Wednesday, May 15, 2013. Witnesses should bring 15 copies of their testimony. Testimony may be limited to 3 minutes for individuals and 5 minutes for those representing organizations or groups.

If you are unable to testify at the public roundtable, written statements are encouraged and will be made part of the official record. Written statements should be submitted by 5 pm Tuesday, May 28, 2013 to Ms. Shuford, Committee on the Judiciary and Public Safety, Room 109, 1350 Pennsylvania Ave., NW, Washington, DC, 20004, or via email at tshuford@dccouncil.us.

COUNCIL OF THE DISTRICT OF COLUMBIA
CONSIDERATION OF TEMPORARY LEGISLATION

B20-253, “Extension of Time to Dispose of Justice Park Temporary Amendment Act of 2013” and **B20-255**, “Foster Youth Transit Subsidy Temporary Amendment Act of 2013” were adopted on first reading on April 30, 2013. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on May 21, 2013.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

Pursuant to DC Official Code Sec 47-361 et seq. of the Reprogramming Policy Act of 1990, the Council of the District of Columbia gives notice that the Mayor has transmitted the following reprogramming request(s)

A reprogramming will become effective on the 15th day after official receipt unless a Member of the Council files a notice of disapproval of the request which extends the Council's review period to 30 days. If such notice is given, a reprogramming will become effective on the 31st day after its official receipt unless a resolution of approval or disapproval is adopted by the Council prior to that time.

Comments should be addressed to the Secretary to the Council, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Room 5, Washington, D.C. 20004. Copies of reprogramming requests are available in Legislative Services, Room 10. Telephone: 724-8050

Reprog. 20-43: Request to reprogram \$214,012 of Fiscal Year 2013 Local funds budget authority from the Repayment of Loans and Interest Account (RLIA) to the Board of Elections (BOE) was filed in the Office of the Secretary on April 25, 2013. This reprogramming ensures that BOE will be able to conduct the April 23, 2013 combined At-Large Councilmember Special Election and "Charter Amendment: Local Budget Autonomy" Referendum.

RECEIVED: 14 day review begins April 26, 2013

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, MAY 8, 2013
2000 14TH STREET, N.W., SUITE 400S,
WASHINGTON, D.C. 20009

Ruthanne Miller, Chairperson
Members:

Nick Alberti, Donald Brooks, Herman Jones, Mike Silverstein

Show Cause Hearing (Status)	9:30 AM
Case # 12-251-00136; Won & Jung, Inc., t/a Northeast Supermarket, 1201, Mount Olivet Road NE, License #81240 Retailer B , Allowed the Establishment to be Used for the Sale of Illegal Drugs and Paraphernalia, Receiving Stolen Property, Failed to Maintain Books and Records	
Show Cause Hearing (Status)	9:30 AM
Case # 12-CMP-00631; Amde Sofenias, t/a Queen Makeda, 1917 9th Street, NW, License #60510, Retailer CR Failed to File Quarterly Statements (2nd Quarter 2012), Failed to Maintain Books and Records	
Show Cause Hearing (Status)	9:30 AM
Case # 12-AUD-00051(a); Ping Pong One, LLC., t/a Ping Pong,900 7th Street NW,License #82097,Retailer CR Failed to File Quarterly Statements (2nd Quarter 2012)	
Show Cause Hearing (Status)	9:30 AM
Case # 12-CMP-00678; Meseret Ali & Yonas Chere, t/a Merkato Ethiopian Restaurant,1909 9th Street NW, License #89019,Retailer CR Operating After Hours	
Show Cause Hearing (Status)	9:30 AM
Case # 12-CMP-00692; Raso Corporation, t/a Sahra Hooka Lounge,1200 H Street NE,License #87558,Retailer F No ABC Manager on Duty, Failed to Obtain an Entertainment Endorsement, Violation of Settlement Agreement	
Show Cause Hearing (Status)	9:30 AM
Case # 12-CMP-00694; Dangerously Delicious DC, LLC, t/a Dangerously Delicious,1339 H Street NE,License #87422,Retailer F Violation of Settlement Agreement	

Board's Calendar

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Show Cause Hearing (Status)

9:30 AM

Case # 12-CMP-00712;Don Ho Inc., t/a District Liquors,1211 11th Street NW

License #23,Retailer A

Failed to Conspicuously Post Licenses

Fact Finding Hearing

9:30 AM

Temporary License Application; Date of Event: May 18, 2013, Applicant: James S. Martens, on behalf of Drink the District, LLC, Neighborhood: 300 Water Street SE

Fact Finding Hearing

9:30 AM

Temporary License Application;Date of Event: June 1, 2013,Applicant: Janelle Pierson, on behalf of Washington Area Bicycle Association,Neighborhood: The Yards Park,10 Water Street SE

Fact Finding Hearing

10:00 AM

Temporary License Application;Date of Events: May 17-19, 2013,Applicant: Aris A. Zissis, on behalf of St. Sophia Greek Orthodox Cathedral,Neighborhood: 2815 36th Street NW

Fact Finding Hearing

11:00 AM

Smucker Farms of Lancaster County, LLC, t/a Smucker Farms of Lancaster County,2118 14th Street NW, License #90945,Retailer B

New Application

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA

1:00 PM

Show Cause Hearing

1:30 PM

Case # 12-251-00086;Suk In Hyun, t/a DC Fish Carryout,3475 14th Street NW License #74236,Retailer B,**Allowed the Establishment to be Used for the Sale of Illegal Drugs and Paraphernalia**

Fact Finding Hearing

2:30 PM

Myongwoo, Inc., t/a Grand Liquors;409 15th Street NE,License #89508,Retailer A

Application for Exception to Single Sales Restrictions

Fact Finding Hearing

3:30 PM

Saki, Inc., t/a Federal Lounge;2477 18th Street NW, License #91249,Retailer CT

Hearing on Application

Protest Hearing

4:30 PM

Case # 13-PRO-00005; Watergate Hotel Lessee, LLC, t/a Watergate Hotel 2650 Virginia Ave NW, License #91162,Retailer CH

New Application

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: May 3, 2013
Petition Date: June 17, 2013
Roll Call Hearing Date: July 1, 2013
Protest Hearing Date: August 21, 2013

License No.: ABRA-092059
Licensee: Bravo Lounge, LLC
Trade Name: Bravo Lounge
License Class: Retailer's Class "C" Tavern
Address: 2917 Georgia Ave., NW
Contact: Michael Resson, Owner 202-758-9876

WARD 1

ANC 1B

SMD 1B10

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for 4:00 pm on August 21, 2013.

NATURE OF OPERATION

New Tavern serving delicatessen and finger food.
Seating Capacity is 38, total occupancy load is 58.
Summer Garden with 20 seats.

PROPOSED HOURS OF OPERATION FOR PREMISES:

Sunday through Thursday 11:00 am – 2:00 am; Friday and Saturday 11:00 am – 3:00 am.

PROPOSED HOURS OF SALES/SERVICE/CONSUMPTION FOR PREMISES:

Sunday through Thursday 11:00 am – 2:00 am; Friday and Saturday 11:00 am – 3:00 am.

PROPOSED HOURS OF OPERATION FOR SUMMER GARDEN:

Sunday through Thursday 11:00 am – 1:00 am; Friday and Saturday 11:00 am – 2:00 am.

PROPOSED HOURS OF SALES/SERVICE/CONSUMPTION FOR SUMMER GARDEN:

Sunday through Thursday 11:00 am – 1:00 am; Friday and Saturday 11:00 am – 2:00 am.

PROPOSED HOURS OF ENTERTAINMENT:

Sunday through Thursday 7:00 pm – 2:00 am; Friday and Saturday 7:00 pm – 3:00 am.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: May 3, 2013
Petition Date: June 17, 2013
Hearing Date: July 1, 2013
Protest Date: August 21, 2013

License No.: ABRA-092008
Licensee: Busboys of Takoma, LLC
Trade Name: Busboys & Poets
License Class: Retailer's Class "C" Restaurant
Address: 235 – 255 Carroll St. NW
Contact: Stephen O'Brien 202-625-7700

WARD 4 ANC 4B SMD 4B07

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for 4:00 pm on August 21, 2013.

NATURE OF OPERATION

American Bistro with full entrée menu serving breakfast, brunch, lunch and dinner with a seating capacity of 216. Total occupancy load of 237. Background music and live entertainment will be provided to include, but not limited to, poetry readings, occasional showing of films, and a pianist. Summer garden with 112 seats.

HOURS OF OPERATION

Sunday through Thursday 7:00 am – 2:00 am; Friday & Saturday 7:00 am – 3:00 am

HOURS OF ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION

Sunday through Thursday 8:00 am – 2:00 am; Friday & Saturday 8:00 am – 3:00 am

HOURS OF OPERATION OF SUMMER GARDEN

Sunday through Thursday 7:00 am – 11:00 pm; Friday & Saturday 7:00 am – 12:00 am

HOURS OF ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION OF SUMMER GARDEN

Sunday through Thursday 8:00 am – 11:00 pm; Friday & Saturday 8:00 am – 12:00 am

HOURS OF ENTERTAINMENT

Sunday through Thursday 6:00 pm – 2:00 am; Friday & Saturday 6:00 pm – 3:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: May 03, 2013
Petition Date: June 17, 2013
Roll Call Hearing Date: July 1, 2013
Protest Hearing Date: August 21, 2013

License No.: ABRA-092059
Licensee: Christian-Johnson-Sheffield Corp.
Trade Name: Café' Midar
License Class: Retailer's Class "C" Tavern
Address: 2917 Georgia Ave., NW
Contact: Darren Sheffield, Partner 202-710-3556

WARD 4

ANC 4D

SMD 4D01

Notice is hereby given that this applicant has applied for a substantial change to its license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for 1:30 pm on August 21, 2013.

NATURE OF OPERATION

New Lounge serving American cuisine with live entertainment, dancing and cover charge. Seating Capacity is 200, total occupancy load is 210.

PROPOSED HOURS OF OPERATION FOR PREMISES:

Sunday through Thursday 10:00 am – 2:00 am; Friday and Saturday 10:00 am – 3:00 am.

PROPOSED HOURS OF SALES/SERVICE/CONSUMPTION FOR PREMISES:

Sunday through Thursday 10:00 am – 2:00 am; Friday and Saturday 10:00 am – 3:00 am.

PROPOSED HOURS OF ENTERTAINMENT:

Sunday through Thursday 6:00 pm – 1:30 am; Friday and Saturday 6:00 pm – 2:30 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

CORRECTION ***

Notice is hereby given that:

License Number: ABRA-001008

License Class/Type: C Club

Applicant: American Foreign Service

Trade Name: Foreign Service Club

ANC: 2A

Has applied for the renewal of an alcoholic beverages license at the premises:

2101 E ST NW, Washington, DC 20037

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/24/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 12 am	11 am -12 am	-
Monday:	11 am - 12 am	11 am - 12 am	-
Tuesday:	11 am - 12 am	11 am - 12 am	-
Wednesday:	11 am - 12 am	11 am - 12 am	-
Thursday:	11 am - 12 am	11 am - 12 am	-
Friday:	11 am - 12 am	11 am - 12 am	-
Saturday:	11 am - 12 am	11 am - 12 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

CORRECTION ***

Notice is hereby given that:

License Number: ABRA-081027

License Class/Type: C Restaurant

Applicant: Restaurant Associates of New York, LLC

Trade Name: TBD #3

ANC: 2A

Has applied for the renewal of an alcoholic beverages license at the premises:

701 18TH ST NW, Washington, DC 20006

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/24/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	closed - closed	closed -closed	-
Monday:	7:30 am - 7 pm	8 am - 7 pm	-
Tuesday:	7:30 am - 7 pm	8 am - 7 pm	-
Wednesday:	7:30 am - 7 pm	8 am - 7 pm	-
Thursday:	7:30 am - 7 pm	8 am - 7 pm	-
Friday:	7:30 am - 7 pm	8 am - 7 pm	-
Saturday:	closed - closed	closed - closed	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

CORRECTION ***

Notice is hereby given that:

License Number: ABRA-081018

License Class/Type: C Restaurant

Applicant: Restaurant Associates of New York, LLC

Trade Name: TBD #5

ANC: 2A

Has applied for the renewal of an alcoholic beverages license at the premises:

2121 PENNSYLVANIA AVE NW, Washington, DC 20433

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/24/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	closed - closed	closed -closed	-
Monday:	7:30 am - 7 pm	8 am - 7 pm	-
Tuesday:	7:30 am - 7 pm	8 am - 7 pm	-
Wednesday:	7:30 am - 7 pm	8 am - 7 pm	-
Thursday:	7:30 am - 7 pm	8 am - 7 pm	-
Friday:	7:30 am - 7 pm	8 am - 7 pm	-
Saturday:	closed - closed	closed - closed	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

CORRECTION ***

Notice is hereby given that:

License Number: ABRA-081024

License Class/Type: C Restaurant

Applicant: Restaurant Associates of New York, LLC

Trade Name: TBD #1

ANC: 2A

Has applied for the renewal of an alcoholic beverages license at the premises:

1818 H ST NW, Washington, DC 20433

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/24/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	closed - closed	closed -closed	-
Monday:	7: 30 am - 7 pm	8 am - 7 pm	-
Tuesday:	7: 30 am - 7 pm	8 am - 7 pm	-
Wednesday:	7: 30 am - 7 pm	8 am - 7 pm	-
Thursday:	7: 30 am - 7 pm	8 am - 7 pm	-
Friday:	7: 30 am - 7 pm	8 am - 7 pm	-
Saturday:	closed - closed	closed - closed	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

CORRECTION ***

Notice is hereby given that:

License Number: ABRA-081026

License Class/Type: C Restaurant

Applicant: Restaurant Associates of New York, LLC

Trade Name: TBD #2

ANC: 2B

Has applied for the renewal of an alcoholic beverages license at the premises:

1850 I ST NW, Washington, DC 20433

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/24/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	closed - closed	closed -closed	-
Monday:	7:30 am - 7 pm	8 am - 7 pm	-
Tuesday:	7:30 am - 7 pm	8 am - 7 pm	-
Wednesday:	7:30 am - 7 pm	8 am - 7 pm	-
Thursday:	7:30 am - 7 pm	8 am - 7 pm	-
Friday:	7:30 am - 7 pm	8 am - 7 pm	-
Saturday:	closed - closed	closed - closed	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

CORRECTION ***

Notice is hereby given that:

License Number: ABRA-077416

License Class/Type: C Marine Vessel

Applicant: Spirit Cruises LLC

Trade Name: Spirit of Washington

ANC: 6D

Has applied for the renewal of an alcoholic beverages license at the premises:

600 WATER ST SW, Washington, DC 20024

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/24/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8:30 am - 2:30 am	10:00 am - 2:00 am	-
Monday:	8:30 am - 2:30 am	8:30 am - 2:00 am	-
Tuesday:	8:30 am - 2:30 am	8:30 am - 2:00 am	-
Wednesday:	8:30 am - 2:30 am	8:30 am - 2:00 am	-
Thursday:	8:30 am - 2:30 am	8:30 am - 2:00 am	-
Friday:	8:30 am - 3 am	8:30 am - 3 am	-
Saturday:	8:30 am - 3 am	8:30 am - 3 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

CORRECTION ***

Notice is hereby given that:

License Number: ABRA-072156

License Class/Type: C Hotel

Applicant: Phoenix Park Hotel Operating, LLC & Dubliner Inc.

Trade Name: Phoenix Park & Phoenix Park Hotel

ANC: 6C

Has applied for the renewal of an alcoholic beverages license at the premises:

520 NORTH CAPITOL ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/24/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	24 hours -	8 am -2 am	-
Monday:	24 hours -	11 am - 2 am	-
Tuesday:	24 hours -	11 am - 2 am	-
Wednesday:	24 hours -	11 am - 2 am	-
Thursday:	24 hours -	11 am - 2 am	-
Friday:	24 hours -	11 am - 3 am	-
Saturday:	24 hours -	11 am - 3 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

CORRECTION ***

Notice is hereby given that:

License Number: ABRA-083338

License Class/Type: D Multipurpose

Applicant: Hillwood Museum & Gardens Foundation

Trade Name: Hillwood Museum & Gardens Foundation

ANC: 3F

Has applied for the renewal of an alcoholic beverages license at the premises:

4155 LINNEAN AVE NW, WASHINGTON, DC 20008

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/24/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS: Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	9 am - 10 pm	12 pm -10 pm	-
Monday:	Closed - Closed	Closed - Closed	-
Tuesday:	9 am - 10 pm	9 am - 10 pm	-
Wednesday:	9 am - 10 pm	9 am - 10 pm	-
Thursday:	9 am - 10 pm	9 am - 10 pm	-
Friday:	9 am - 10 pm	9 am - 10 pm	-
Saturday:	9 am - 10 pm	9 am - 10 pm	-

Days	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	9 am - 10 pm	12 pm - 10 pm
Monday:	Closed - Closed	Closed - Closed
Tuesday:	9 am - 10 pm	9 am - 10 pm
Wednesday:	9 am - 10 pm	9 am - 10 pm
Thursday:	9 am - 10 pm	9 am - 10 pm
Friday:	9 am - 10 pm	9 am - 10 pm
Saturday:	9 am - 10 pm	9 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

CORRECTION ***

Notice is hereby given that:

License Number: ABRA-010135

License Class/Type: C Club

Applicant: Diplomatic & Consular Officers Retired, Inc.

Trade Name: Diplomatic & Consular Officers Retired

ANC: 2A

Has applied for the renewal of an alcoholic beverages license at the premises:

1801 F ST NW, Washington, DC 20006

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/24/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS: Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	12 pm - 9 pm	12 pm - 9 pm	-
Monday:	12 pm - 9 pm	12 pm - 9 pm	-
Tuesday:	12 pm - 9 pm	12 pm - 9 pm	-
Wednesday:	12 pm - 9 pm	12 pm - 9 pm	-
Thursday:	12 pm - 9 pm	12 pm - 9 pm	-
Friday:	12 pm - 9 pm	12 pm - 9 pm	-
Saturday:	12 pm - 9 pm	12 pm - 9 pm	-

Days	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	12 pm - 9 pm	12 pm - 9 pm
Monday:	12 pm - 9 pm	12 pm - 9 pm
Tuesday:	12 pm - 9 pm	12 pm - 9 pm
Wednesday:	12 pm - 9 pm	12 pm - 9 pm
Thursday:	12 pm - 9 pm	12 pm - 9 pm
Friday:	12 pm - 9 pm	12 pm - 9 pm
Saturday:	12 pm - 9 pm	12 pm - 9 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

CORRECTION ***

Notice is hereby given that:

License Number: ABRA-071077

License Class/Type: D Restaurant

Applicant: Bon Appetit Management Company

Trade Name: Bon Appetit Mgt. Co.

ANC: 3D

Has applied for the renewal of an alcoholic beverages license at the premises:

4400 MASSACHUSETTS AVE NW, Washington, DC 20016

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/24/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 12 am	11 am -12 am	-
Monday:	7 am - 11 pm	3 pm - 11 pm	-
Tuesday:	7 am - 11 pm	3 pm - 11 pm	-
Wednesday:	7 am - 11 pm	3 pm - 11 pm	-
Thursday:	7 am - 11 pm	3 pm - 11 pm	-
Friday:	7 am - 11 pm	3 pm - 11 pm	-
Saturday:	10 am - 12 am	11 am - 12 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

CORRECTION ***

Notice is hereby given that:

License Number: ABRA-001792

License Class/Type: C Multipurpose

Applicant: Trustees of Amherst College

Trade Name: Folger Theatre Group

ANC: 6B

Has applied for the renewal of an alcoholic beverages license at the premises:

201 EAST CAPITOL ST SE, Washington, DC 20003

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/24/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	6 pm - 9 pm	6 pm -9 pm	-
Monday:	10 am - 9 pm	6 pm - 9 pm	-
Tuesday:	10 am - 9 pm	6 pm - 9 pm	-
Wednesday:	10 am - 9 pm	6 pm - 9 pm	-
Thursday:	10 am - 9 pm	6 pm - 9 pm	-
Friday:	10 am - 9 pm	6 pm - 9 pm	-
Saturday:	10 am - 9 pm	6 pm - 9 pm	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

CORRECTION ***

Notice is hereby given that:

License Number: ABRA-060796

License Class/Type: C Hotel

Applicant: Compass Group USA, Inc.

Trade Name: Gallaudet University Conference Center

ANC: 5D

Has applied for the renewal of an alcoholic beverages license at the premises:

800 FLORIDA AVE NE, Washington, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/24/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS: Dancing, Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	24 hours -	12 pm -2 am	6 pm - 2 am
Monday:	24 hours -	12 pm - 2 am	6 pm - 2 am
Tuesday:	24 hours -	12 pm - 2 am	6 pm - 2 am
Wednesday:	24 hours -	12 pm - 2 am	6 pm - 2 am
Thursday:	24 hours -	12 pm - 2 am	6 pm - 2 am
Friday:	24 hours -	12 pm - 3 am	6 pm - 3 am
Saturday:	24 hours -	12 pm - 3 am	6 pm - 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

CORRECTION ***

Notice is hereby given that:

License Number: ABRA-000637

License Class/Type: C Club

Applicant: The Arts Club of Washington

Trade Name: The Arts Club of Washington

ANC: 2A

Has applied for the renewal of an alcoholic beverages license at the premises:

2017 I ST NW, Washington, DC 20006

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/24/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 12 am	10 am -12 am	-
Monday:	10 am - 12 am	10 am - 12 am	-
Tuesday:	10 am - 12 am	10 am - 12 am	-
Wednesday:	10 am - 12 am	10 am - 12 am	-
Thursday:	10 am - 12 am	10 am - 12 am	-
Friday:	10 am - 12 am	10 am - 12 am	-
Saturday:	10 am - 12 am	10 am - 12 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

CORRECTION ***

Notice is hereby given that:

License Number: ABRA-077418

License Class/Type: C Marine Vessel

Applicant: Spirit Cruises LLC

Trade Name: The Capital Elite

ANC: 6D

Has applied for the renewal of an alcoholic beverages license at the premises:

600 WATER ST SW B, Washington, DC

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/24/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS: Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8:30 am - 2:30 am	10:00 am -2:00 am	6 pm - 2 am
Monday:	8:30 am - 2:30 am	8:30 am - 2:00 am	6 pm - 2 am
Tuesday:	8:30 am - 2:30 am	8:30 am - 2:00 am	6 pm - 2 am
Wednesday:	8:30 am - 2:30 am	8:30 am - 2:00 am	6 pm - 2 am
Thursday:	8:30 am - 2:30 am	8:30 am - 2:00 am	6 pm - 2 am
Friday:	8:30 am - 3:00 am	8:30 am - 3:00 am	6 pm - 2 am
Saturday:	8:30 am - 3:00 am	8:30 am - 3:00 am	6 pm - 2 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

CORRECTION ***

Notice is hereby given that:

License Number: ABRA-000319

License Class/Type: C Club

Applicant: Woman's National Democratic Club

Trade Name: Woman's National Democratic Club

ANC: 2B07

Has applied for the renewal of an alcoholic beverages license at the premises:

1526 NEW HAMPSHIRE AVE NW, Washington, DC 20036

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/24/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 1 am	10 am -1 am	-
Monday:	8 am - 1 am	8 am - 1 am	-
Tuesday:	8 am - 1 am	8 am - 1 am	-
Wednesday:	8 am - 1 am	8 am - 1 am	-
Thursday:	8 am - 1 am	8 am - 1 am	-
Friday:	8 am - 1 am	8 am - 1 am	-
Saturday:	8 am - 1 am	8 am - 1 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

CORRECTION ***

Notice is hereby given that:

License Number: ABRA-086193

License Class/Type: C Restaurant

Applicant: The Cajun Experience DC, LLC

Trade Name: The Cajun Experience DC

ANC: 2B

Has applied for the renewal of an alcoholic beverages license at the premises:

1825 18TH ST NW, WASHINGTON, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/24/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS: Entertainment, Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 11 pm	11 am -11 pm	6 pm - 11 pm
Monday:	8 am - 11 pm	11 am - 11 pm	6 pm - 11 pm
Tuesday:	8 am - 11 pm	11 am - 11 pm	6 pm - 11 pm
Wednesday:	8 am - 11 pm	11 am - 11 pm	6 pm - 11 pm
Thursday:	8 am - 11 pm	11 am - 11 pm	6 pm - 11 pm
Friday:	8 am - 12 am	11 am - 12 am	6 pm - 12 am
Saturday:	8 am - 12 am	11 am - 12 am	6 pm - 12 am

Days	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	11 am - 11 pm	11 am - 11 pm
Monday:	11 am - 11 pm	11 am - 11 pm
Tuesday:	11 am - 11 pm	11 am - 11 pm
Wednesday:	11 am - 11 pm	11 am - 11 pm
Thursday:	11 am - 11 pm	11 am - 11 pm
Friday:	11 am - 12 am	11 am - 12 am
Saturday:	11 am - 12 am	11 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

Correction****

Notice is hereby given that:

License Number: ABRA-021055

License Class/Type: C Restaurant

Applicant: Esteban Ramirez & Francis

Trade Name: Carolina Palace

ANC: 4C

Has applied for the renewal of an alcoholic beverages license at the premises:

3700 14TH ST NW, Washington, DC 20011

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/24/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS: Dancing, Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Monday:	11 am - 2 am	11 am - 2 am	n/a -
Tuesday:	11 am - 2 am	11 am - 2 am	6 pm - 12 am
Wednesday:	11 am - 2 am	11 am - 2 am	6 pm - 12 am
Thursday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Friday:	11 am - 3 am	11 am - 3 am	6 pm - 3 am
Saturday:	11 am - 3 am	11 am - 3 am	6 pm - 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

CORRECTION****

Notice is hereby given that:

License Number: ABRA-087727

License Class/Type: C Restaurant

Applicant: Gin Rummy Group, Inc.

Trade Name: Little Ricky's

ANC: 5B

Has applied for the renewal of an alcoholic beverages license at the premises:

3522 12TH ST NE, WASHINGTON, DC 20017

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/24/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 12 am	10 am -12 am	-
Monday:	10 am - 12 am	10 am - 12 am	-
Tuesday:	10 am - 12 am	10 am - 12 am	-
Wednesday:	10 am - 12 am	10 am - 12 am	-
Thursday:	10 am - 12 am	10 am - 12 am	-
Friday:	10 am - 12 am	10 am - 12 am	-
Saturday:	10 am - 12 am	10 am - 12 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

CORRECTION***

Notice is hereby given that:

License Number: ABRA-008469

License Class/Type: C Restaurant

Applicant: Luigi's Restaurant, Inc.

Trade Name: Luigi's Restaurant

ANC: 2B

Has applied for the renewal of an alcoholic beverages license at the premises:

1132 19TH ST NW, Washington, DC 20036

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/24/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS: Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 12 am	11 am -11:30 pm	-
Monday:	11 am - 12 am	11 am - 11:30 pm	-
Tuesday:	11 am - 12 am	11 am - 11:30 pm	-
Wednesday:	11 am - 12 am	11 am - 11:30 pm	-
Thursday:	11 am - 12 am	11 am - 11:30 pm	-
Friday:	11 am - 12 am	11 am - 11:30 pm	-
Saturday:	11 am - 12 am	11 am - 11:30 pm	-

Days	Hours of Sidewalk Cafe Operation	Hours of Sales Sidewalk Cafe
Sunday:	12 pm - 12 am	11 am - 11:30 pm
Monday:	11 am - 12 am	11 am - 12 am
Tuesday:	11 am - 12 am	11 am - 12 am
Wednesday:	11 am - 12 am	11 am - 12 am
Thursday:	11 am - 12 am	11 am - 12 am
Friday:	11 am - 12 am	11 am - 12 am
Saturday:	11 am - 12 am	11 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

CORRECTION*****

Notice is hereby given that:

License Number: ABRA-088779

License Class/Type: C Restaurant

Applicant: SJ Enterprises, LLC

Trade Name: The Casbah

ANC: 6A

Has applied for the renewal of an alcoholic beverages license at the premises:

1128 H ST NE, WASHINGTON, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/24/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS: Entertainment, Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 12 am	11 am -12 am	6 pm - 10 pm
Monday:	11 am - 1 am	11 am - 1 am	6 pm - 12 am
Tuesday:	11 am - 1 am	11 am - 1 am	6 pm - 12 am
Wednesday:	11 am - 2 am	11 am - 2 am	6 pm - 12 am
Thursday:	11 am - 3 am	11 am - 2 am	6 pm - 12 am
Friday:	11 am - 3 am	11 am - 3 am	6 pm - 1 am
Saturday:	11 am - 3 am	11 am - 3 am	6 pm - 1 am

Days	Hours of Sidewalk Cafe Operation	Hours of Sales Sidewalk Cafe
Sunday:	11 am - 11 pm	11 am - 11 pm
Monday:	11 am - 11 pm	11 am - 11 pm
Tuesday:	11 am - 11 pm	11 am - 11 pm
Wednesday:	11 am - 11 pm	11 am - 11 pm
Thursday:	11 am - 11 pm	11 am - 11 pm
Friday:	11 am - 12 am	11 am - 12 am
Saturday:	11 am - 12 am	11 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/26/2013

CORRECTION*****

Notice is hereby given that:

License Number: ABRA-087074

License Class/Type: C Multipurpose

Applicant: The Dunes Fund, LLC

Trade Name: The Dunes

ANC: 1A

Has applied for the renewal of an alcoholic beverages license at the premises:

1400 - 1402 MERIDIAN PL NW, WASHINGTON, DC 20010

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/10/2013

HEARING WILL BE HELD ON

6/24/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	12 pm - 12 am	12 pm -12 am	-
Monday:	11 am - 1 am	11 am - 1 am	-
Tuesday:	11 am - 1 am	11 am - 1 am	-
Wednesday:	11 am - 2 am	11 am - 2 am	-
Thursday:	11 am - 2 am	11 am - 2 am	-
Friday:	11 am - 3 am	11 am - 3 am	-
Saturday:	11 am - 3 am	11 am - 3 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 5/3/2013
 PETITION DATE: 6/17/2013
 HEARING DATE: 7/1/2013

License Number: ABRA-075703
 License Class/Type: C Restaurant
 ANC: 2E

Applicant: Polo DC, LLC/Rugbycafe, LLC
 Trade Name: Rugby Cafe
 Premise Address: 1065 WISCONSIN AVE NW

Endorsements: Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Sidewalk Cafe Operation	Hours of Sales Sidewalk Cafe	Hours of Entertainment
SUN:	9 am - 12:30 am	10 am - 12:30 am	10 am - 12:30 am	10 am - 12:30 am	-
MON:	10 am - 12:30 am	10 am - 12:30 am	10 am - 12:30 am	10 am - 12:30 am	-
TUE:	10 am - 12:30 am	10 am - 12:30 am	10 am - 12:30 am	10 am - 12:30 am	-
WED:	10 am - 12:30 am	10 am - 12:30 am	10 am - 12:30 am	10 am - 12:30 am	-
THU:	10 am - 1 am	10 am - 1 am	10 am - 1 am	10 am - 1 am	-
FRI:	10 am - 1 am	10 am - 1 am	10 am - 1 am	10 am - 1 am	-
SAT:	10 am - 1 am	10 am - 1 am	10 am - 1 am	10 am - 1 am	-

License Number: ABRA-007374
 License Class/Type: C Restaurant
 ANC: 1C

Applicant: Mixtec, Inc.
 Trade Name: Mixtec
 Premise Address: 1792 COLUMBIA RD NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	10 am - 12 am	10 am - 12 am	-
MON:	10 am - 11:45 am	10 am - 11:45 am	-
TUE:	10 am - 12 am	10 am - 12 am	-
WED:	10 am - 12 am	10 am - 12 am	-
THU:	10 am - 12 am	10 am - 12 am	-
FRI:	10 am - 2 am	10 am - 2 am	-
SAT:	10 am - 2 am	10 am - 2 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 5/3/2013
PETITION DATE: 6/17/2013
HEARING DATE: 7/1/2013

License Number: ABRA-010581 Applicant: Cafe Japone Limited Partnership
License Class/Type: C Restaurant Trade Name: Cafe Japone
ANC: 2B Premise Address: 2032 P ST NW

Endorsements: Entertainment, Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Sidewalk Cafe Operation	Hours of Sales Sidewalk Cafe	Hours of Entertainment
SUN:	11:30 am - 1:30 am	11:30 am - 1:30 am	11:30 am - 1:30 am	11:30 am - 11 pm	6pm - 1:30am
MON:	11:30 am - 1:30 am	11:30 am - 1:30 am	11:30 am - 1:30 am	11:30 am - 11 pm	6pm - 1:30am
TUE:	11:30 am - 1:30 am	11:30 am - 1:30 am	11:30 am - 1:30 am	11:30 am - 11 pm	6pm - 1:30am
WED:	11:30 am - 1:30 am	11:30 am - 1:30 am	11:30 am - 1:30 am	11:30 am - 11 pm	6pm - 1:30am
THU:	11:30 am - 1:30 am	11:30 am - 1:30 am	11:30 am - 1:30 am	11:30 am - 11 pm	6pm - 1:30am
FRI:	11:30 am - 2:30 am	11:30 am - 2:30 am	11:30 am - 2:30 am	11:30 am - 12 am	6pm - 2:30am
SAT:	11:30 am - 2:30 am	11:30 am - 2:30 am	11:30 am - 2:30 am	11:30 am - 12 am	6pm - 2:30am

License Number: ABRA-082836 Applicant: Sharcon Hospitality Of D.C. Three LLC
License Class/Type: C Hotel Trade Name: Holiday Inn Express Hotel & Suites
ANC: 5C Premise Address: 1917 BLADENSBURG RD NE

Endorsements: Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Summer Garden Operation	Hours of Sales Summer Garden	Hours of Entertainment
SUN:	24 hours -	10 am - 2 am		10 am - 2 am	-
MON:	24 hours -	8 am - 2 am		8 am - 2 am	-
TUE:	24 hours -	8 am - 2 am		8 am - 2 am	-
WED:	24 hours -	8 am - 2 am		8 am - 2 am	-
THU:	24 hours -	8 am - 2 am		8 am - 2 am	-
FRI:	24 hours -	8 am - 3 am		8 am - 3 am	-
SAT:	24 hours -	8 am - 3 am		8 am - 3 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 5/3/2013
 PETITION DATE: 6/17/2013
 HEARING DATE: 7/1/2013

License Number: ABRA-086961
 License Class/Type: C Restaurant
 ANC: 5C

Applicant: T & L Investment Group, LLC
 Trade Name: Joes Noodle House
 Premise Address: 2700 NEW YORK AVE NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	12 pm - 2 am	12:30 pm - 2 am	-
MON:	7 am - 2 am	12:30 pm - 2 am	-
TUE:	7 am - 2 am	12:30 pm - 2 am	-
WED:	7 am - 2 am	12:30 pm - 2 am	-
THU:	7 am - 2 am	12:30 pm - 2 am	-
FRI:	7 am - 2 am	12:30 pm - 2 am	-
SAT:	7 am - 2 am	12:30 pm - 2 am	-

License Number: ABRA-087348
 License Class/Type: C Restaurant
 ANC: 2E

Applicant: Washington Wanbao, Inc.
 Trade Name: Shanghai Lounge
 Premise Address: 1734 Wisconsin AVE NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	11 am - 11 pm	11 am - 11 pm	-
MON:	11 am - 11 pm	11 am - 11 pm	-
TUE:	11 am - 11 pm	11 am - 11 pm	-
WED:	11 am - 11 pm	11 am - 11 pm	-
THU:	11 am - 11 pm	11 am - 11 pm	-
FRI:	11 am - 11 pm	11 am - 11 pm	-
SAT:	11 am - 11 pm	11 am - 11 pm	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 5/3/2013
PETITION DATE: 6/17/2013
HEARING DATE: 7/1/2013

License Number: ABRA-090050
License Class/Type: C Restaurant
ANC: 2B

Applicant: Heritage Management Service, LLC
Trade Name: Heritage India
Premise Address: 1901 PENNSYLVANIA AVE NW

Endorsements: Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
MON:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
TUE:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
WED:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
THU:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
FRI:	8 am - 3 am	8 am - 3 am	6 pm - 3 am
SAT:	8 am - 3 am	8 am - 3 am	6 pm - 3 am

License Number: ABRA-088816
License Class/Type: C Restaurant
ANC: 2C

Applicant: Relish Food Concepts, LLC
Trade Name: Carving Room
Premise Address: 300 MASSACHUSETTS AVE NW 10

Endorsements:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	8 am - 2 am	8 am - 2 am	-
MON:	8 am - 2 am	11 am - 2 am	-
TUE:	8 am - 2 am	11 am - 2 am	-
WED:	8 am - 2 am	11 am - 2 am	-
THU:	8 am - 2 am	11 am - 2 am	-
FRI:	8 am - 2 am	11 am - 2 am	-
SAT:	8 am - 2 am	8 am - 2 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 5/3/2013
PETITION DATE: 6/17/2013
HEARING DATE: 7/1/2013

License Number: ABRA-089395
License Class/Type: D Restaurant
ANC: 2F

Applicant: TABLE DC LLC
Trade Name: TABLE DC
Premise Address: 903 N ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	8 am - 2 am	10 am - 2 am	-
MON:	8 am - 2 am	8 am - 2 am	-
TUE:	8 am - 2 am	8 am - 2 am	-
WED:	8 am - 2 am	8 am - 2 am	-
THU:	8 am - 2 am	8 am - 2 am	-
FRI:	8 am - 3 am	8 am - 3 am	-
SAT:	8 am - 3 am	8 am - 3 am	-

CORRECTED NOTICE**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION****NOTICE OF PUBLIC HEARING**

Posting Date: April 26, 2013

Petition Date: June 10, 2013

Hearing Date: June 24, 2013

License No.: ABRA-083149

Licensee: Ethiopic, Corporation

Trade Name: Ethiopic Restaurant

License Class: Retailer's Class "C" Restaurant

Address: 401 H St., NE

Contact: info@ethiopicrestaurant.com

WARD 6

ANC 6C

SMD 6C04

Notice is hereby given that this applicant has applied for a substantial change to its license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Request to Increase Occupancy Load from 36 seats to 47 seats.

CURRENT HOURS OF OPERATION AND SALES/SERVICE/CONSUMPTION

Sunday through Saturday 10:00 am – 1:00 am.

CURRENT ENTERTAINMENT HOURS

Sunday through Thursday 6:00 pm – 10:00 pm; Friday and Saturday 6:00 pm – 12:00 am.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: May 3, 2013
Petition Date: June 17, 2013
Hearing Date: July 1, 2013
Protest Date: August 21, 2013

License No.: ABRA-092058
Licensee: MAR Concepts Corporation
Trade Name: Greenhouse Bistro
License Class: Retailer's Class "C" Tavern
Address: 2030 M Street, NW
Contact: Reza Golessorkhi 202-271-9665

WARD 2 ANC 2A SMD 2A06

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 1:30 pm on August 21, 2013.

NATURE OF OPERATION

Italian restaurant lounge and bar serving contemporary Italian cuisine in a hip, classy and relaxing environment with a seating capacity of 120. Total occupancy load of 156. Live entertainment will be provided such as violin, guitar and pianist. Sidewalk Café 80 seats.

HOURS OF OPERATION

Sunday through Saturday 7 am – 4 am

HOURS OF ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION

Sunday through Thursday 8 am – 2 am and Friday & Saturday 8 am – 3 am

HOURS OF OPERATION ON SUMMER GARDENS

Sunday Saturday 7 am – 4 am

HOURS OF ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION ON SUMMER GARDENS

Sunday through Thursday 8 am – 2 am and Friday & Saturday 8 am – 3 am

HOURS OF ENTERTAINMENT

Sunday through Thursday 6 pm – 2 am and Friday & Saturday 6 pm – 3 am

HOURS OF ENTERTAINMENT ON SIDEWALK CAFE

Sunday through Thursday 6 pm – 2 am and Friday & Saturday 6 pm – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: May 3, 2013
Petition Date: June 17, 2013
Hearing Date: July 1, 2013
Protest Date: August 21, 2013

License No.: ABRA-092041
Licensee: Nando's of Tenleytown, LLC
Trade Name: Nando's Peri Peri
License Class: Retailer's Class "C" Restaurant
Address: 4231 Wisconsin Ave., NW
Contact: David Briggs, Esq 202-955-3000

WARD 3 ANC 3E SMD 3E05

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for 1:30 pm on August 21, 2013.

NATURE OF OPERATION

Restaurant serving primarily chicken and side dishes with seating for 148 patrons and total occupancy load of 160. Sidewalk cafe with seating for 58 patrons.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION FOR PREMISES

Sunday through Thursday 11:00 am - 11:00 pm; Friday & Saturday 11:00 am - 12:00 am

HOURS OF OPERATION AND ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION FOR SIDEWALK CAFE

Sunday through Thursday 11:00 am - 11:00 pm; Friday & Saturday 11:00 am - 12:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: May 3, 2013
Petition Date: June 17, 2013
Roll Call Hearing Date: July 1, 2013

License No.: ABRA-086354
Licensee: Second Home, LLC
Trade Name: Number Nine
License Class: Retailer's Class "C" Tavern
Address: 1435 P Street NW
Contact: Michael D. Fonseca 202-625-7700

WARD 2

ANC 2C

SMD 2F02

Notice is hereby given that this applicant has applied for a substantial change to its license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Request is for the addition of a New Sidewalk Café with 8 seats.

CURRENT HOURS OF OPERATION AND SALES/SERVICE/CONSUMPTION FOR PREMISES:

Sunday through Thursday 12:45 pm - 1:45 am; Friday and Saturday 12:45 pm - 2:45 am

PROPOSED HOURS OF OPERATION AND SALES/SERVICE/CONSUMPTION FOR SIDEWALK CAFE

Sunday through Thursday 12:00 pm - 11:00 pm; Friday and Saturday 12:00 pm - 12:00 am

CORRECTION*

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: April 5, 2013
Petition Date: May 20, 2013
Hearing Date: June 3, 2013
Protest Hearing Date: July 24, 2013

License No.: ABRA-091662
Licensee: Pinstripes, Inc.
Trade Name: Pinstripes, Inc.
License Class: Retailer’s Class “C” Restaurant
Address: 3222 M Street, N.W.
Contact: Stephen J. O’Brien, 202-625-7700

WARD 2

ANC 2E

SMD 2E05

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for 4:00 pm on July 17, 2013.

NATURE OF OPERATION

New restaurant. A dining and entertainment venue with Italian/American cuisine, bowling and bocce. Entertainment will consist of a DJ, live bands, and private parties. Occupancy load is 913. Two Summer Gardens (upper patio with 50 seats and lower patio with 36 seats).

HOURS OF OPERATION

Sunday through Thursday 8 am – 11:30 pm: Friday and Saturday 8 am – 1 am

HOURS OF SALES/SERVICE/CONSUMPTION

Sunday through Thursday 8 am – 11pm: Friday and Saturday 8 am – 12:30 am

HOURS OF OPERATION, SALES/SERVICE/CONSUMPTION OF SUMMER GARDEN

Sunday through Thursday 10 am – 9 pm: Friday and Saturday 10 am – 10 pm

***HOURS OF ENTERTAINMENT**

Sunday through Thursday 6 pm -11:30 pm: Friday and Saturday 6 pm – 1am

CORRECTION

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: April 26, 2013
Petition Date: June 10, 2013
Hearing Date: June 24, 2013
Protest Hearing Date: August 14, 2013

License No.: ABRA-091948
Licensee: Rice Bar DC, Inc.
Trade Name: Rice Bar
*License Class: Retailer’s Class “D” Restaurant
Address: 1020 19th Street, N.W.
Contact: Chrissy Chang, 703-992-3994

WARD 2

ANC 2B

SMD 2B06

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for 1:30pm on August 14, 2013.

NATURE OF OPERATION

New restaurant serving Korean fusion dishes such as mixed rice bowl and noodle soup. Taped background music. Occupancy load is 50. Summer Garden with 16 seats.

HOURS OF OPERATION

Sunday through Saturday 9:00 am – 2:00 am

HOURS OF SALES/SERVICE/CONSUMPTION

Sunday through Saturday 9:00 am – 2:00 am

HOURS OF OPERATION, SALES/SERVICE/CONSUMPTION OF SUMMER GARDEN

Sunday through Saturday 9:00 am – 2:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: May 3, 2013
Petition Date: June 17, 2013
Roll Call Hearing Date: July 1, 2013
Protest Hearing Date: August 21, 2013

License No.: ABRA- 092040
Licensee: Dos Ventures, LLC
Trade Name: Riverfront at the Ball Park
License Class: Retailer's Class "C" Tavern
Address: 25 Potomac Ave SE
Contact: David Chung 703-623-5510

WARD 6 ANC 6D SMD 6D07

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for 1:30 pm on August 21, 2013.

NATURE OF OPERATION

New Tavern, Food will come from various local restaurants nearby traditional and American cuisine. There will be a stage for live entertainment.

HOURS OF OPERATION/SALES/SERVICE & CONSUMPTION OF ALCOHOLIC BEVERAGES

Sunday through Thursday 8:00 am to 2:00 am and Friday and Saturday 8:00 am to 3:00 am.

HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 11:00 am to 2:00 am and Friday and Saturday 11:00 am to 3:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: May 3, 2013
Petition Date: June 17, 2013
Roll Call Hearing Date: July 1, 2013
Protest Hearing Date: August 21, 2013

License No.: ABRA- 091974
Licensee: JBS, Inc.
Trade Name: Rocklands Barbeque and Grilling Company
License Class: Retailer's Class "D" Tavern
Address: 1271 1st Street SE
Contact: John Snedden 202-337-1925

WARD 6 ANC 6D SMD 6D07

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for 1:30 pm on August 21, 2013.

NATURE OF OPERATION

New Tavern, Food Truck. JBS is planning to serve barbeque and related food products from its food truck on private property at Ball Park Square (at the corner of 1st and N Streets, SE) on days of Washington Nationals home games. JBS is seeking an ABRA license to serve beer at the property on those days in conjunction with its food sales.

HOURS OF OPERATION/SALES/SERVICE & CONSUMPTION OF ALCOHOLIC BEVERAGES

9:30 am to 12:00 am Sunday through Saturday.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: May 3, 2013
 Petition Date: June 17, 2013
 Roll Call Hearing Date: July 1, 2013
 Protest Hearing Date: August 21, 2013

License No.: ABRA-091650
 Licensee: Smashburger Acquisition-DC, LLC
 Trade Name: Smashburger
 License Class: Retailer’s Class “D” Restaurant
 Address: 1736 Connecticut Avenue, NW
 Contact: Cindy Block, 310- 893-1121

WARD 2

ANC 2B

SMD 2B01

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for 4:00 pm on August 21, 2013.

NATURE OF OPERATION

New fast casual restaurant offering great tasting, cooked to order burgers, sandwiches, salads, french fries and more.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE AND CONSUMPTION

Sunday through Saturday 10:00 am – 10:00 pm

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTICE OF PUBLIC HEARING**

The District of Columbia Public Charter School Board (PCSB) hereby gives notice of a public hearing to be held on proposed amendments to the charters of several public charter schools on Monday, May 20 at 7:00 PM at Carlos Rosario International Public Charter School located at 1100 Harvard St NW. The schools proposing to amend their charters are DC Bilingual Public Charter School, Elsie Whitlow Stokes Community Freedom Public Charter School, Mundo Verde Public Charter School and Latin American Montessori Bilingual Public Charter School, all of which are requesting to expand into middle and high school programs. Additionally, Perry Street Prep Public Charter School and Tree of Life Public Charter School are requesting to amend their goals. For further information, please contact Mustafa Nusraty at (202) 328-2660 or mnusraty@dcpcsb.org.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Thursday, June 20, 2013, @ 6:30 P.M.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 12-16 (CG Market Place, LLC – Consolidated PUD & Related Map Amendment @ Squares 5246, 5272, 5273, 5276 & 5277)

THIS CASE IS OF INTEREST TO ANC 7C AND ANC 7E

On August 29, 2012, the Office of Zoning received an application from CG Marketplace, LLC (the "Applicant"). The Applicant submitted revised application materials on February 4, 2013. The Applicant is requesting approval of a consolidated PUD and related zoning map amendment from the R-2 and R-5-A Zone Districts to the C-2-A Zone District for Square 5276, Lots 812, 813, and 23-121; Square 5272, Lot 51; Square 5273, Lot 67; Square 5277, Lots 22-33 and 805; and Square 5246, Lot 110.

The Office of Planning submitted a report on March 29, 2013. At its April 8, 2013 public meeting, the Zoning Commission voted to set the application down for a public hearing.

The Applicant provided its prehearing statement on April 10, 2013.

The property that is the subject of this application is located in northeast Washington along the north frontage of East Capitol Street and is divided east-west by 58th Street, N.E. The property has a combined total land area of approximately 521,734 square feet or 11.9 acres. The property is located in Ward 7 and within the boundaries of Advisory Neighborhood Commission ("ANC") 7C and is directly across East Capitol Street from ANC 7E.

The proposed project is a mixed-use development that includes approximately 190,213 square feet of gross floor area devoted to commercial uses, and approximately 298,316 square feet of gross floor area devoted to 288 residential units (plus or minus 10%). The project will have building heights ranging from approximately 32 to 72 feet, and an overall density of 1.05 FAR.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations 11 DCMR, § 3022.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application, a copy of which may be**

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Z.C. CASE NO. 12-16
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downloaded from the Office of Zoning’s website at: <http://dcoz.dc.gov/services/app.shtm>.
This form may also be obtained from the Office of Zoning at the address stated below.

Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusions in the record.

If an affected Advisory Neighborhood Commission (ANC), pursuant to 11 DCMR 3012.5, intends to participate at the hearing, the ANC shall also submit the information cited in § 3012.5 (a) through (i). The written report of the ANC shall be filed no later than seven (7) days before the date of the hearing.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- | | | |
|----|----------------------------------|-------------------------|
| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition | 60 minutes collectively |
| 3. | Organizations | 5 minutes each |
| 4. | Individuals | 3 minutes each |

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Information should be forwarded to the Director, Office of Zoning, Suite 200-S, 441 4th Street, N.W., Washington, D.C. 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, MARCIE I. COHEN, ROBERT E. MILLER, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Monday, June 17, 2013, @ 6:30 P.M.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 13-04 (ICG 16TH STREET ASSOCIATES LLC – Consolidated PUD and Related Map Amendment @ 900 16th Street, N.W., Square 185, Lot 41)

THIS CASE IS OF INTEREST TO ANC 2B

On February 22, 2013, the Office of Zoning received an application from ICG 16th Street Associates LLC, the owner of Lot 41 in Square 185 (the "Applicant"), requesting approval of a planned unit development ("PUD") and related map amendment for the property from the SP-2 to the C-3-C District. The Office of Planning provided its report on March 29, 2013, and the case was set down for hearing on April 8, 2013. The Applicant provided its prehearing statement on April 9, 2013.

The property consists of approximately 17,483 square feet of land area. Lot 41 is currently improved with the Third Church of Christ, Scientist Complex, which will be demolished subject to clearance by the Mayor's Agent for Historic Preservation. The PUD and map amendment will allow the site to be developed with a mixed-use project comprised of an office building and a new church for the Third Church of Christ, Scientist. The project will include approximately 140,863 square feet of gross floor area, or an aggregate floor area ratio ("FAR") of 8.06. Proposed uses will include approximately 125,246 square feet of gross floor area devoted to commercial office space; approximately 11,722 square feet of gross floor area devoted to a house of worship; and approximately 3,895 square feet of gross floor area devoted to retail uses. The overall height of the building will be 112 feet, 3.5 inches, consisting of nine stories. The new structure will occupy 100 percent of the site.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR § 3022.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

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How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3022.3.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than 14 days prior to the hearing, a Form 140 – Party Status Application.** This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: www.dcoz.dc.gov. **Any documents filed in this case must be submitted through the Interactive Zoning Information System (IZIS) found on the Office of Zoning website.**

To the extent that the information is not contained in the Applicant's prehearing submission as required by 11 DCMR § 3013.1, the Applicant shall also provide this information not less than 14 days prior to the date set for the hearing.

If an affected Advisory Neighborhood Commission (ANC) intends to participate at the hearing, the ANC shall submit the written report described in § 3012.5 no later than seven (7) days before the date of the hearing. The report shall contain the information indicated in § 3012.5 (a) through (i).

Time limits.

For each segment of the hearing conducted on the dates listed above, the following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- | | |
|-------------------------------------|-------------------------|
| 1. Applicant and parties in support | 60 minutes collectively |
| 2. Parties in opposition | 60 minutes collectively |
| 3. Organizations | 5 minutes each |
| 4. Individuals | 3 minutes each |

Pursuant to section 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200-S, 441 4th Street, N.W., Washington, D.C. 20001.

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**FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT
(202) 727-6311.**

**ANTHONY J. HOOD, MARCIE I. COHEN, ROBERT E. MILLER, PETER G. MAY, AND
MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF
COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN,
SECRETARY TO THE ZONING COMMISSION**

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Monday, July 15, 2013, @ 6:30 p.m.**
 Jerrily R. Kress Memorial Hearing Room
 441 4th Street, N.W. Suite 220-S
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 13-06 (Office of Planning - Text Amendments to Define and Regulate Retaining Walls in R-1 through R-4 Districts

THIS CASE IS OF INTEREST TO ALL ANCs

The Office of Planning (“OP”), in a report dated March 29, 2013, petitioned the Zoning Commission for the District of Columbia (“Zoning Commission” or “Commission”) for text amendments to the Zoning Regulations to define and regulate retaining walls. The OP report also served as a prehearing statement.

At its regular public meeting held April 8, 2013 the Zoning Commission set the case down for a public hearing.

The proposed amendments to the Zoning Regulations, Title 11 DCMR, are as follow:

AMEND CHAPTER 1 by adding the following definition to § 199 in alphabetical order:

Retaining Wall - a vertical, self-supporting structure constructed of concrete, durable wood, masonry or other material, designed to resist the lateral displacement of soil or other materials. The term shall include concrete walls, crib and bin walls, reinforced or mechanically stabilized earth systems, anchored walls, soil nail walls, multi-tiered systems, boulder walls or other retaining structures.

AMEND CHAPTER 4 by adding a new § 412, Retaining Walls, to read as follows:

412 RETAINING WALLS

- 412.1 In R-1, R-2, R-3, and R-4 Districts a retaining wall may be erected in accordance with § 412.2 through 412.7.
- 412.2 A retaining wall may be erected within any required side or rear yard provided the retaining wall or structure does not exceed four feet (4 ft.) in height.
- 412.3 A retaining wall taller than four feet (4 ft.) shall not be located in any required yard as measured from the property line inward, or along a street frontage.
- 412.4 The maximum height of a retaining wall regardless of location shall be six feet (6 ft.).

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- 412.5 A retaining wall four feet (4 ft.) or more in height that elevates the terrain and is back filled with dirt or other fill material shall be considered a structure, included in lot occupancy, and its area shall be as follows:
- 412.6 The length of the retaining wall multiplied by the length of the area containing fill that is being held by the retaining wall.
- 412.7 Retaining walls may be tiered or terraced provided there shall be a four foot (4 ft.) landscape area between walls. The landscape area shall be pervious and may not be paved or otherwise covered.

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01, *et seq.*

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of 11 DCMR § 3021. Pursuant to that section, the Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to Sharon S. Schellin, the Secretary of the Zoning Commission, Office of Zoning, Suite 200-S, 441 4th Street, N.W., Washington, D.C., 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, MARCIE I. COHEN, ROBERT E. MILLER, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

DEPARTMENT OF HEALTH
NOTICE OF FINAL RULEMAKING

The Interim Director of the Department of Health, pursuant to the authority set forth in Sections 302 (14) and 503(b) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1203.02 (14) and 3-1205.03(b) (2007 Repl.)) (“Act”), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 82 (Physical Therapist Assistants) of Title 17 (Business, Occupations, and Professions) of the District of Columbia Municipal Regulations (DCMR).

The purpose of these amendments is to clarify the requirements for applicants educated in foreign countries to prove their educational training is “substantially equivalent” to applicants who graduated from a professional physical therapy assistant education program accredited by an agency recognized for that purpose by the United States Department of Education, or which is approved by the Board of Physical Therapy, in accordance with Section 504(j) of the Act (D.C. Official Code § 3-1205.04(j)(2) (2007 Repl. & 2012 Supp.)); and to limit the number of Continuing Education Units (CEUs) that may be accepted in any renewal period, or for reinstatement or reactivation of a license, for approved online courses, home study courses, video courses, telecourses, videoconferences, and teleconference activities, to fifteen (15) credit hours.

These rules were published in the *D.C. Register* as proposed rulemaking on January 25, 2013 at 60 DCR 0786. No written comments were received from the public in connection with this publication during the 30-day comment period and no changes have been made from the rulemaking. These final rules will be effective upon publication of this notice in the *D.C. Register*.

Chapter 82, PHYSICAL THERAPIST ASSISTANTS, of Title 17, BUSINESS, OCCUPATIONS, AND PROFESSIONS, is amended as follows:

A new Section 8203, APPLICANTS EDUCATED OUTSIDE OF THE UNITED STATES, is added to read as follows:

8203 APPLICANTS EDUCATED OUTSIDE OF THE UNITED STATES

- 8203.1 The Board may grant a license to practice as a physical therapist assistant to an applicant who has been educated outside of the United States if the applicant:
- (a) Provides proof from the Physical Therapist Assistant Educational Equivalency Review (PTA-EER) that the applicant’s education is substantially equivalent to the requirements of physical therapist assistants educated in an education program accredited in the United States;
 - (b) Passes the Board-approved English proficiency examination, if the applicant’s native language is not English; and

- (c) Complies with the examination requirements of Section 8204.
- 8203.2 A determination that the applicant’s education is “substantially equivalent” shall include the following findings:
- (a) The applicant graduated from a physical therapist assistant education program that prepares the applicant to engage without restriction in the practice of physical therapist assistance;
 - (b) Written proof that the applicant’s school is recognized by its own ministry of education or equivalent governmental authority; and
 - (c) Completion of a credentials evaluation as directed by a credentialing board or equivalent body that determines the candidate has met uniform criteria for educational requirements as further established by rule.

Section 8206, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:

A new Subsection 8206.5 is added to read as follows:

8206 CONTINUING EDUCATION REQUIREMENTS

8206.5 Beginning with the licensure period ending January 31, 2015, not more than one-half (1/2) of the total required number of Continuing Education Units (CEUs) may be accepted in any renewal period, or for reinstatement or reactivation of a license, for approved online courses, home study courses, video courses, telecourses, videoconferences, and teleconference activities.

The current Subsections 8206.5-8206.12 are renumbered as 8206.6-8206.13.

DEPARTMENT OF MENTAL HEALTH**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Mental Health (“DMH”), pursuant to the authority set forth in Sections 104 and 105 of the Department of Mental Health Establishment Amendment Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code §§ 7-1131.04 and 7-1131.05 (2008 Repl.; 2012 Supp.)), hereby gives notice of a new Chapter 22 (Standards for Supported Housing for Consumers) to Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this amendment is to ensure that all DMH consumers are assessed to determine their housing needs, if any, and to outline the supported housing programs within the Department of Mental Health. The amended chapter enumerates the responsibilities of the Core Services Agencies in assessing consumers for housing needs, establishes application and eligibility criteria for Department of Mental Health supported housing assistance, and provides requirements for the Home First Subsidy Program.

The proposed rulemaking was published on March 8, 2013, in the *D.C. Register* at 60 DCR 2960. No comments were received during the comment period. The Department reviewed and considered two comments received after expiration of the comment period. The Department corrected one legal citation in Section 2209.01(c). No substantive changes have been made to the proposed rule as published. The Department of Mental Health took final action on the rule on April 15, 2013. This rule will become effective on the date of publication of this notice in the *D.C. Register*.

Title 22-A DCMR, Chapter 22 is replaced with a new Chapter 22 to read as follows:

CHAPTER 22 SUPPORTED HOUSING SERVICES FOR MENTAL HEALTH CONSUMERS**2200 GENERAL PROVISIONS**

2200.1 These rules establish requirements for supported housing services provided by Core Services Agencies (CSAs) and the management of supported housing assistance programs by the Department of Mental Health (Department or DMH). The Department may further implement this rule through published practice guidelines and policies.

2200.2 Supported housing services assist adults and children with mental illness or serious mental health problems with finding and maintaining appropriate independent housing arrangements in the community. Supported housing services include mental health services and supports provided by DMH-certified mental health providers, and direct financial assistance from the Department or DMH-certified mental health provider. Support is provided through a comprehensive continuum of care that is individualized, flexible, and recovery-based. The following are examples of supported housing services:

- (a) A Core Services Agency (CSA) may provide housing to a consumer directly or through a specialty or subprovider;
- (b) DMH, a CSA, or another government agency may provide a monetary subsidy for rent on behalf of a consumer;
- (c) A CSA, either directly or through a specialty or subprovider, may assist a consumer with locating housing;
- (d) A CSA or other provider may provide mental health services and supports in the consumer’s home to assist with developing and improving activities of daily living; or
- (e) DMH or another government agency may provide funds to a business entity to develop or provide housing for consumers enrolled with DMH.

2200.3 Each business entity seeking support from DMH to provide housing or housing supports in the District of Columbia shall be a DMH-certified CSA or be affiliated with a CSA or DMH. Affiliation with a CSA or DMH shall mean that the business entity has a written agreement with a CSA or DMH, or an entity acting on behalf of DMH that describes each party’s responsibilities specific to housing.

2201. CORE SERVICES AGENCIES RESPONSIBILITIES FOR SUPPORTED HOUSING SERVICES

2201.1 All CSAs shall assess consumers for supported housing needs as part of the treatment plan process. This includes both the development of the treatment plan and any updates and modifications based upon the status of a consumer’s recovery. The purpose of the housing assessment is to evaluate and identify each individual consumer’s living arrangement needs. The assessment shall adhere to this regulation and any Department policies, forms and practice guidelines related to supported housing.

2201.2 Supported housing assessments shall address, at a minimum, the following factors:

- (a) Risk of homelessness;
- (b) Risk of hospitalization;
- (c) Length of time in current housing;
- (d) Whether current housing is a product of consumer’s personal choice;

- (e) Whether current living arrangement provides necessary supports for safe and successful living; and
- (f) If a change in housing is needed to support safe and successful living, the community treatment strategies to get the consumer into appropriate housing.

2201.3 If a consumer has been assessed as needing housing, or as needing housing at a different level than the housing currently occupied by the consumer, the mental health provider shall assist the consumer in applying for any public benefit, financial assistance, or housing assistance program for which the consumer is eligible, including but not limited to the District of Columbia Housing Authority (“DCHA”) Housing Choice Voucher Program and other supported housing services provided by or through the Department.

2201.4 If a consumer is receiving direct housing or a supported housing subsidy pursuant to these rules directly from a CSA or other DMH-certified mental health provider and chooses to enroll with another CSA or DMH-certified mental health provider, the provider shall not require the consumer to move from the housing because of the change in providers.

2201.5 The Department shall conduct targeted compliance reviews of CSAs’ supported housing assessments at least annually and report the results to each CSA under review. The Department shall incorporate the results into the Department’s annual quality improvement plan.

2201.6 Each CSA shall maintain and keep current, at all times, a log that lists all consumers residing in each of the CSA’s DMH supported housing as defined by these rules. This information shall be available to DMH upon request. The CSA shall provide statistical data and reports related to the provision of supported housing services as requested by the Department.

2202 HOME FIRST SUBSIDY PROGRAM FOR MENTAL HEALTH CONSUMERS

2202.1 Sections 2202 through 2299 provide standards for implementing the Department’s Home First Subsidy Program and the Department’s housing wait list. The Home First Subsidy is a locally-funded rental voucher that is paid by the Department on behalf of qualifying consumers for community-based housing meeting the requirements of this regulation. The Home First Subsidy is subject to annual appropriations limits. When a consumer is eligible for a Home First Subsidy but there are inadequate funds to issue a voucher, the consumer may be placed on the Department’s housing wait list, subject to the requirements in Section 2206.

2202.2 Nothing in these rules shall be interpreted to mean that any subsidy provided by the Department is an entitlement. Locally-funded or administered subsidies are

dependent upon the availability of funds, the needs of individual consumers, and the priority populations established by the Department.

2203 WAIVER OF RULES

2203.1 Upon determination of good cause, the Director may waive any provision under this chapter subject to the statutory limitations of other federal or District laws.

2204 ELIGIBILITY CRITERIA

2204.1 The following are the minimum eligibility requirements to apply for a Home First Subsidy through the Department:

- (a) The individual is a consumer actively-engaged with a CSA or other DMH-certified provider;
- (b) The consumer is:
 - (i) eighteen (18) years of age or older and has been diagnosed with a serious and persistent mental illness as defined in Section 2299;
 - (ii) the legal guardian of a child consumer with a serious and persistent mental illness or a serious emotional disturbance, or
 - (iii) an emancipated minor consumer who has been diagnosed with a serious and persistent mental illness or a serious emotional disturbance;
- (c) The consumer is a bona fide D.C. resident;
- (d) The consumer's household income, or guardian's household income in the case of a child consumer, does not exceed the amount specified in Subsection 2204.2;
- (e) The consumer does not have any legal or equitable interest in real property;
- (f) The consumer or guardian has registered for, or has a verifiable appointment to register for, permanent housing assistance through DCHA, unless otherwise ineligible to register with DCHA or the DCHA has suspended new registrations; and
- (g) The consumer has a demonstrable need for the Home First Subsidy because no other suitable housing options are available.

2204.2 The eligible consumer's or guardian's adjusted income, as defined in Section 2299, for the sixty (60) day period immediately preceding the date of application, shall not exceed thirty percent (30%) of the Area Median Income for the

Metropolitan Washington D.C. Area, as defined by the U.S. Department of Housing and Urban Development at the time of application.

2204.3 The Department may require the applicant or other household members to execute one or more authorizations to release information to verify eligibility. The release of information shall comply with D.C. Official Code § 7-1201.01 *et seq.*, and other applicable federal and local privacy laws.

2204.4 The Department's Home First Subsidy is a subsidy of last resort. The Department shall not authorize a Home First Subsidy if other permanent housing financial assistance is made available to the consumer, including, but not limited to, a Housing Choice Voucher or other federal or District housing subsidy program.

2205 APPLICATION PROCESS

2205.1 Each application for a Home First Subsidy shall be submitted in a format prescribed by the Department pursuant to these rules and the Department's policies and procedures.

2205.2 Each applicant shall cooperate fully with the Department in establishing his or her eligibility, or, in the case of the applicant being a legal guardian, eligibility of the ward by providing supporting information and documentation. The application is complete when all of the information required by the Department is furnished to the Department.

2205.3 If requested by an applicant with a disability, or if the CSA or mental health provider is aware that the applicant needs assistance due to a disability, the CSA or mental health provider shall assist the applicant with any aspect of the application process necessary to ensure that the applicant with a disability has an equal opportunity to submit the application.

2205.4 Upon receipt of an application, the Department shall record the date that the application is received and shall provide a dated notice of receipt to the applicant. In the event the application is incomplete and the applicant fails to complete the application within fifteen (15) business days following notification, the Department will consider the application canceled and the CSA or mental health provider and applicant must submit a new application. The Department is not responsible for processing delays due to the applicant's failure to submit required information.

2205.5 Once an applicant is determined eligible for a Home First Subsidy, and funding is available, the Department shall send a written eligibility determination to the applicant, the CSA, and a representative payee, if appropriate. The eligibility determination shall include, at a minimum:

(a) A statement of the eligibility determination;

- (b) Written approval to search for housing;
- (c) If the subsidy is one that is attached to a specific unit, contact information and further information for assessing the unit;
- (d) The amount of financial contribution that the eligible consumer is required to contribute per month, if any; and
- (e) The contact name and telephone number of a Department representative.

2205.6 If an applicant is determined eligible, but no Home First Subsidy is available, the Department shall send a written eligibility determination to the applicant and the CSA. This eligibility determination shall include, at a minimum:

- (a) A statement of the eligibility determination;
- (b) A statement identifying the date that the eligible consumer will be placed on the waiting list; and
- (c) The contact name and telephone number of a Department representative.

2205.7 If an applicant is determined ineligible, the Department shall send a written determination of ineligibility to the applicant and the CSA. This ineligibility determination shall include, but is not limited to:

- (a) A statement of the denial of eligibility;
- (b) A statement of the factual basis for the denial;
- (c) A statement of the applicant's right to request that the Department review the determination pursuant to Section 2217; and
- (d) The contact name and telephone number of a Department representative.

2206 WAITING LIST

2206.1 When the Department has insufficient funds to issue new Home First Subsidies, the Department may maintain a waiting list for consumers. The Department may utilize the waiting list to manage referral of consumers to any available supported housing subsidy program.

2206.2 If the Department maintains a waiting list, the Department shall place an eligible consumer on a waiting list when:

- (a) The Department has no funds to issue any new Home First Subsidies;

- (b) No unit with an attached subsidy that meets the consumer's specific needs is available;
- (c) No other supported housing program managed by the Department is available; or
- (d) The eligible consumer is incarcerated, or hospitalized or otherwise not available to occupy housing at the time of application.

2206.3 Subject to the Department's priority population in Section 2207, an eligible consumer shall be placed on the waiting list in chronological order by the date the Department receives the consumer's completed application. Placement on the waiting list does not guarantee that a consumer will ultimately receive a Home First Subsidy.

2206.4 The eligible consumer and CSA shall provide the Department with the eligible consumer's current mailing address and telephone number while on the waiting list. Each change of address shall be reported in writing to the Department within five (5) business days of the change.

2206.5 If the eligible consumer fails to ensure the Department has the consumer's current mailing address and telephone number and the Department needs to contact the consumer because a subsidy becomes available for the consumer's use, the Department will make a good faith effort to contact the consumer through the consumer's CSA. If the consumer cannot be contacted within thirty (30) calendar days of the first day of attempted contact, the Department will then contact the next person on the list for utilization of the subsidy.

2206.6 When an eligible consumer on the waiting list is notified that a subsidized housing unit or funding for a supported housing subsidy for his or her use in accordance with this chapter is now available, the Department shall re-determine the eligibility status of the consumer.

2206.7 If an eligible consumer becomes ineligible for a supported housing subsidy in accordance with the requirements of Section 2204, the consumer will be removed from the supported housing subsidy wait list. The Department will send written notice of the removal to the consumer at his or her last known address, and to the consumer's former CSA or other mental health provider. The consumer will have a right for review of the determination of ineligibility pursuant to Section 2217.

2207 PRIORITY POPULATIONS FOR SUPPORTED HOUSING SUBSIDIES

2207.1 The Department shall provide the following eligible consumers with priority placement for a Home First Subsidy:

- (a) Consumers pending discharge from Saint Elizabeths Hospital;

- (b) Consumers who are chronically homeless; and
- (c) Consumers moving to a less-restrictive environment;

2207.2 Nothing in this rule otherwise prohibits the Department from authorizing priority placement on a case-by-case basis, based upon compelling circumstances, for a consumer not meeting the requirements above.

2208 HOME FIRST SUBSIDY PROGRAM

2208.1 The Department may approve a Home First Subsidy in an amount equivalent to eighty percent (80%) of the 2011 Fair Market Rent Value calculated by the U.S. Department of Housing and Urban Development for the Metropolitan Washington D.C. area. An eligible consumer shall pay thirty percent (30%) of his or her adjusted income (“Total Consumer Rent Payment”) toward the total rent due under the lease. The Department may authorize an increase in the Home First Subsidy amount, subject to available appropriations.

2208.2 For each approved Home First Subsidy, the Department shall issue the housing subsidy on a monthly basis to the landlord on behalf of the eligible consumer that is equal to the rent charged by the landlord, minus the Total Consumer Rent Payment, as determined by the Department in accordance with this chapter.

2208.3 The amount of the total rent due under a lease shall not exceed the limits set by the Department pursuant to Subsection 2208.1. If utilities are included in the total rent, a higher rent may be considered for approval on a case-by-case basis.

2208.4 Rent rates established by the Department pursuant to Subsection 2208.1 shall be effective for new leases and lease renewals that occur after the effective date of this chapter.

2208.5 Subject to Section 2208.3, all utility costs, including water, gas, electric, telephone, cable, and internet access, are the consumer’s responsibility and will not be included in determining the consumer’s obligation to pay thirty percent (30%) of household income towards the monthly rent.

2208.6 If a consumer has a demonstrated need for assistance with payment of a security deposit, the Department may, subject to availability of funds, pay the security deposit on behalf of the consumer. The consumer must repay the Department in accordance with a payment plan established by the Department and documented in the Program Agreement. The Department will not assist a consumer with payment of an additional security deposit if the consumer still owes funds for assistance with a previously-paid security deposit.

2208.7 Once the Department has identified funds for a supported housing subsidy for an eligible consumer, the Department shall notify in writing the consumer, the CSA,

and the consumer's personal representative, if applicable, of the availability of the subsidy.

- 2208.8 Upon written notification by the Department of the availability of supported housing subsidy funds, the consumer will have ninety (90) days to submit a complete Home First Subsidy application package. The CSA is primarily responsible for ensuring the consumer completes and returns all required forms during the process. The Department shall make all forms for the supported housing subsidy package available to the CSAs. The Department may grant reasonable extensions upon a showing of good cause.
- 2208.9 An eligible consumer may only search for a Home First Subsidy-eligible housing after he or she receives written authorization to begin a housing search from the Department. The Department shall provide a monthly list of vacant units to the CSAs to assist consumers search for available housing with the understanding by all recipients that the list is not exhaustive and consumers and CSAs should not rely solely on the Department vacancy list to locate housing. Consumers and CSAs are encouraged to utilize other resources within the public domain to identify appropriate and available housing.
- 2208.10 The Department may approve a Home First Subsidy for an eligible consumer only after the following conditions are met:
- (a) The eligibility status and income of the consumer is re-determined by DMH to ensure the consumer remains eligible for the supported housing subsidy;
 - (b) A housing unit which complies with the requirements of this chapter is available;
 - (c) The amount of rent charged for the available unit is consistent with Section 2208.1;
 - (d) The housing unit has a valid business license and certificate of occupancy, as required by applicable District law;
 - (e) The eligible consumer and mental health provider submits to the Department a supported housing subsidy Package, which includes:
 - (i) A Program Agreement signed by the eligible consumer;
 - (ii) A Subsidy Approval Form signed by the landlord; and
 - (iii) A completed Housing Pre-Inspection Checklist.
 - (f) The Department approves the supported housing subsidy approval form in writing; and

- (g) The eligible consumer, CSA or other mental health provider provides the Department with a copy of the executed lease agreement signed by the eligible consumer and the landlord.

2208.11 If the Home First Subsidy package is approved, the Department shall notify the eligible consumer and CSA or other mental health provider that the supported housing subsidy is approved by providing the eligible consumer a copy of the supported housing subsidy approval form signed by the Department.

2208.12 If the Home First Subsidy package is not approved due to missing information, the Department shall notify the eligible consumer and CSA or other mental health provider of the reason(s) for disapproval. The consumer and CSA have ten (10) business days to provide the Department a completed Home First Subsidy package. Failure to complete or supply the missing information may result in denial of subsidy and placement on the waiting list.

2208.13 The Department shall only issue an approved Home First Subsidy in the form of non-cash payment directly to the landlord.

2208.14 The Department shall only provide a Home First Subsidy for actual rent obligations incurred by the consumer in a manner consistent with this chapter.

2209 LANDLORD PARTICIPATION

2209.01 Each landlord who agrees to accept a Home First Subsidy on behalf of an eligible consumer shall sign a Subsidy Agreement with the Department. The Subsidy Agreement shall require that the landlord:

- (a) Comply with all applicable District laws and regulations, including 14 DCMR, Chapters 3 – 9;
- (b) Enter into a lease agreement with an eligible consumer that complies with District law and the requirements of the Home First Subsidy program;
- (c) Provide habitable housing in the District of Columbia in accordance with applicable federal and District laws relating to accessibility, health and safety, including compliance with Section 5323, “Acceptability Criteria and Exceptions to Housing Quality Standards” (“HQS”) of 14 DCMR, Chapter 53;
- (d) Agree that in the event the housing is not maintained in accordance with the HQS, the Department may exercise any available remedy including suspension, abatement or termination of the supported housing subsidy, unless the HQS breach is the responsibility of the consumer;

- (e) Hold harmless and release the Department from any and all claims, actions, judgments and attorney fees arising from any damage or necessary repairs to the unit or property;
- (f) Agree that the Department shall not pay any claim by the landlord against the tenant;
- (g) Accurately report to the Department the date of scheduled move in, move out, the contract rent of each eligible consumer, and if the eligible consumer stops paying rent, the date of the most recent rent payment;
- (h) Allow DMH or its designee to conduct annual inspections of the unit;
- (i) Make necessary repairs identified during the annual inspection, or any other repairs necessary to remedy any housing code violations, within thirty (30) days of notification, to avoid Department remedies including suspension, abatement or termination of the supported housing subsidy;
- (j) Make repairs to life-threatening HQS or other housing code violations within twenty-four (24) hours of notice to the landlord, or the Department may suspend, abate or terminate the supported housing subsidy;
- (k) Notify the Department within five (5) calendar days if the consumer is no longer living in a unit receiving the Home First Subsidy;
- (l) Accept a Home First Subsidy from the Department as late as the 15th day of each month and waive penalties and fees for late payments if received by the 15th of each month;
- (m) Not levy fines or penalties against the consumer, or take action against the consumer to terminate the tenancy, for late or non-payment of the Home First Subsidy or while the Department and the landlord are actively working to resolve verification and payment issues;
- (n) Notify the Department as well as the consumer when initiating any legal action against the consumer;
- (o) Participate in a mediation program before taking any adverse action against the consumer, if the eligible consumer also agrees to participate;
- (p) Agree that the Department, in addition to other remedies, may deduct the amount of a subsidy overpayment from any amounts due the owner, including amounts due under any other supported housing subsidy payment; and

(q) Provide the Department, upon request, with a list verifying current occupancy and tenancy status for all consumers receiving a Home First Subsidy.

2209.02 A landlord shall neither demand nor accept any rent payment from the eligible consumer in excess of the Total Consumer Rent Payment, *i.e.*, the amount approved by the Department in writing.

2209.03 A landlord who accepts a supported housing subsidy for a consumer who is no longer a tenant of the property, shall return the supported housing subsidy to the Department within fifteen (15) calendar days of receipt.

2209.04 If a landlord fails to comply with a provision of these rules, the Department and the District may exercise any of its rights and remedies under the law including recovery of overpayment, or abatement or suspension of subsidy payments.

2209.05 Nothing in this chapter shall be construed to create any legal rights, substantive or procedural, by a landlord in any matter, administrative, civil or criminal against the District. The Department's payment of a supported housing subsidy shall not be deemed to create a relationship of partnership, joint venture, or agency between the Department, consumer, and participating landlord. The Department shall not be held liable as a result of the Department's payment of a supported housing subsidy for the unit for any damage to the unit caused by the consumer.

2210 RECERTIFICATION

2210.1 The Department or its designee shall recertify the eligibility status of each consumer receiving a Home First Subsidy at least annually, or whenever there is a change in the consumer's eligibility status, including change in income.

2210.2 The annual re-certification date shall be the anniversary date of the first day of the month in which the eligible consumer began receiving a Home First Subsidy.

2210.3 The Department or its designee will also examine and re-determine the eligibility status and annual income of a consumer as necessary, such as if a consumer has a change in income or in household composition prior to his or her annual re-certification date.

2210.4 The Department or its designee will examine and re-determine the Home First Subsidy payment when an increase in the rent has been proposed by the landlord and approved by the Department.

2210.5 The Department shall send written notice of the re-certification requirement and the required documentation and information and an appointment date and time for re-certification, to each eligible consumer who is receiving a Home First Subsidy through his or her CSA, at least ninety (90) calendar days before the annual re-certification date.

- 2210.6 If the consumer fails to appear for the first appointment, a second appointment will be scheduled within the ninety (90) day period. If the consumer fails to appear for the second scheduled appointment, absent good cause, the Home First Subsidy may be terminated in accordance with Subsection 2216.
- 2210.7 Each consumer shall complete written authorizations to allow the Department to obtain information necessary to verify continuing eligibility for the Home First Subsidy.
- 2210.8 The Department shall continue providing Home First Subsidy payments during the re-certification process.
- 2210.9 If the re-certification process is not completed within ninety (90) calendar days of the re-certification date due to a delay caused by an eligible consumer, the Department will notify the consumer that the Home First Subsidy will be terminated in thirty (30) days unless the re-certification process is completed before that time.
- 2210.10 If a consumer is receiving a Home First Subsidy and the Department moves to terminate the subsidy, the Department shall provide an eligible consumer, his or her CSA and any authorized representative, written notice of the proposed termination. An eligible consumer may appeal the proposed termination pursuant to Section 2216.
- 2210.11 The Department shall provide written notification to each consumer, his or her CSA and any authorized representative if the consumer's Home First Subsidy supported housing subsidy is terminated as a result of the annual re-certification. A consumer may appeal termination of a subsidy pursuant to Section 2218.
- 2210.12 A re-certification that results in decrease in the amount of the Home First Subsidy (if applicable) shall be effective thirty (30) calendar days after written notice is provided to an eligible consumer. The Department shall provide written notification to each consumer, his or her CSA and any authorized representative, if the consumer's Home First Subsidy is decreased as a result of the re-certification. The eligible consumer may appeal the reduction in the amount of the supported housing subsidy pursuant to Section 2218.
- 2210.13 A re-certification that results in an increase in the amount of the Home First Subsidy (if applicable) shall be effective the first day of the month following the completion of the re-certification process. The Department shall provide written notification to each consumer, his or her CSA and any authorized representative, if the consumer's supported housing subsidy is increased as a result of the any re-certification.
- 2210.14 The Department may pursue all remedies against a consumer including recoupment and referral to the appropriate authorities for civil or criminal

prosecution if it is determined that a consumer has concealed income or otherwise knowingly violated the certification requirements for the Home First subsidy or other supported housing programs.

2210.15 Consumers receiving supported housing subsidies from another source are required to comply with the recertification requirements of that program.

2211 CONSUMER PARTICIPATION

2211.1 Each applicant and eligible consumer may exercise rights granted pursuant to applicable District laws and regulations, including but not limited to the Department of Mental Health Consumers' Rights Protection Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code § 7-1231.01 *et seq.*).

2211.2 As a condition of receiving a supported housing subsidy, each consumer shall sign a Program Agreement that includes the following requirements:

- (a) If receiving a Home First Subsidy, maintain registration for permanent housing assistance through the DCHA (unless ineligible);
- (b) Comply with the terms of the lease as required by District law;
- (c) Provide required proof of annual income;
- (d) Attend an orientation session scheduled by the Department within the first three (3) months of occupancy;
- (e) Pay the Total Consumer Rent Payment (if applicable) for which he or she is responsible;
- (f) Permit the CSA or other mental health provider access to his or her housing unit on a monthly basis as required for completing a Housing Safety/Quality Checklist and Home Visit Report pursuant to Subsection 2207.3;
- (g) Notify the Department and CSA of any change in annual income or household composition within fifteen (15) calendar days of the change, so that re-certification and recalculation of the Home First Subsidy (if applicable), if necessary, can occur pursuant to Section 2210;
- (h) Report any damages or problems in the housing unit to the landlord and CSA immediately after occurrence;
- (i) Refrain from illegal activities or other acts that endanger the health or safety of the consumer or any other individual on the premises;

- (j) Maintain the unit in a clean, safe, and habitable condition;
- (k) Provide to the Department and the landlord at least thirty (30) calendar days in advance, a written notice of intent to terminate a lease or relocate from the premises;
- (l) Absent a written waiver from the Department, maintain enrollment with a CSA or other mental health provider while receiving a supported housing subsidy; and
- (m) Notify his or her representative payee of eligibility for and receipt of an supported housing subsidy, if applicable.

2211.3 The consumer is not responsible for payment of the portion of the rent owed to the Landlord that is to be paid through the Home First Subsidy as enumerated in the subsidy approval between DMH and the landlord.

2211.4 Each consumer shall be responsible for damages he or she causes to a unit or any common area, in accordance with the terms of the lease. Damages do not include normal wear and tear.

2211.5 If the consumer is receiving a supported housing subsidy other than the Home First Subsidy, the consumer must also comply with all of the requirements of that particular subsidy program.

2212 ELIGIBLE UNITS

2212.1 The Department may only provide a supported housing subsidy for units that comply with this section, and 14 DCMR, Chapters 3 - 9 as applicable.

2212.2 The following units shall not be eligible for a Home First Subsidy:

- (a) Units that do not comply with 14 DCMR, Chapters 3 - 9;
- (b) Units in which the consumer, consumer's personal representative, or consumer's family member has a legal or equitable interest;
- (c) Units owned by Department employees, employees of the Department's designee, or employees of any organization or entity that has administrative responsibility for the supported housing subsidy;
- (d) Units owned by an individual employee of a CSA or a mental health provider in the DMH network;
- (e) Units on the grounds of educational institutions or units that are available only to students, staff or faculty of an educational institution;

- (f) Any unit where a consumer has no actual or legal responsibility to pay rent; and
- (g) Nursing homes.

2212.3 Additionally, supported housing subsidy programs other than the Home First Subsidy program may be limited to units with additional requirements.

2213 VOLUNTARY RELOCATION IF RECEIVING A HOME FIRST SUBSIDY

2213.1 To request relocation to another housing unit while receiving a Home First Subsidy, an eligible consumer shall submit a written request for relocation to his or her assigned CSA, other mental health provider, or Department.

2213.2 The Department may provide written approval of an eligible consumer's request to relocate with a Home First Subsidy only if:

- (a) The request was submitted for approval before relocating;
- (b) The consumer has not yet relocated;
- (c) The consumer is not in arrears of the lease, unless there are housing code violations as determined by DCRA or by a court in the current housing unit;
- (d) The consumer will not incur penalties under the lease, or has reached an agreement with the landlord for the relocation;
- (e) The unit is not damaged or in need of repairs beyond normal wear and tear due to the consumer's actions;
- (f) The rental amount for the new unit is consistent with the Department's rates in accordance with Subsection 2208.1; and
- (g) The Home First Subsidy recipient is in good standing and is not currently in violation of any obligations under this chapter.

2213.3 The Department may waive the requirements above upon a showing of good cause.

2214 TEMPORARY ABSENCES

2214.1 If an eligible consumer is absent from the unit for more than thirty (30) calendar days, he or she shall provide notification to the Department, CSA or other mental health provider as soon as possible, but no later than the thirtieth (30th) day of his or her absence.

- 2214.2 Upon receiving proper notification of an absence, the Department may continue to provide a Home First Subsidy during a temporary absence of up to ninety (90) calendar days, if the absence is a result of:
- (a) Short-term placement in an assisted living facility, nursing home or mental health facility;
 - (b) Short-term inpatient treatment;
 - (c) Incarceration;
 - (d) Family emergency; or
 - (e) Other circumstances for which the Director has determined that the absence is necessary or appropriate.
- 2214.3 The Department may approve in writing an extension of no more than thirty (30) additional days of absence on a case by case basis.
- 2214.4 The Department may terminate a Home First Subsidy if:
- (a) The Department does not receive notification of a temporary absence of more than thirty (30) days from a housing unit;
 - (b) The absence is for a period of time beyond ninety (90) calendar days, or the date a Department approved extension expires; or
 - (c) The absence does not result from the conditions set forth in Subsection 2217.2.
- 2214.5 The Department shall provide written notification at least sixty (60) days before termination to each consumer whose Home First Subsidy is subject to termination pursuant to Subsection 2216. A consumer may appeal a written notice of termination of a subsidy pursuant to Section 2218.
- 2214.6 Consumers who receive a supported housing subsidy other than a Home First Subsidy are subject to the requirements of that particular subsidy program for temporary absences.
- 2215 EVICTIONS AND LEASE TERMINATIONS BY LANDLORDS**
- 2215.1 Landlords receiving a supported housing subsidy may only terminate a program participant's tenancy in accordance with lease terms and applicable District law.
- 2215.2 The Department may terminate Home First Subsidy payments to the landlord when the tenancy is terminated by the landlord in accordance with the lease and applicable District law. The consumer remains a program participant unless and

until the Department terminates the Home First Subsidy pursuant to Sections 2216.

2216 TERMINATION OF ASSISTANCE

2216.1 If a consumer is receiving a supported housing subsidy other than a Home First Subsidy pursuant to this chapter, the program owner of the subsidy will determine when and under what circumstances a consumer's subsidy assistance may be terminated.

2216.2 The Department may terminate a Home First Subsidy for any of the following reasons:

- (a) The consumer no longer meets the Home First Subsidy eligibility requirements described in this chapter;
- (b) The consumer was offered a Housing Choice Voucher Program voucher or other permanent housing assistance through any other federal or District program or private source that allows choice in where the consumer may live;
- (c) The consumer was offered and accepted other permanent housing assistance through any other federal or District program or private source;
- (d) The consumer failed to permit the CSA or other mental health provider to conduct an in-home visit to his or her housing unit as required for completing a Housing Safety/Quality Checklist and Home Visit Report;
- (e) The consumer fraudulently misrepresents eligibility for assistance, annual income or other information, with the intention of obtaining unauthorized assistance;
- (f) The consumer is absent from the unit, as set forth in Subsection 2214 or no longer resides in the unit, including situations in which the consumer relocates from his approved unit without prior approval from the Department;
- (g) The consumer is evicted from an approved unit more than once while receiving a supported housing subsidy;
- (h) The consumer voluntarily withdraws from the Home First Subsidy program; or
- (i) The death of a consumer.

2216.3 The Department shall provide a consumer written notice of Home First Subsidy termination, effective sixty (60) calendar days from the date the Department

issues the notification. A consumer may appeal a written notice of termination pursuant to Section 2218, or file a grievance in accordance with 22-A DCMR, Chapter 3.

- 2216.4 Termination of the subsidy is effective no later than the first of the month following the consumer's death.
- 2216.5 If the Department suspects fraud, it will refer the case to the proper authorities for investigation.
- 2216.6 If a consumer's Home First Subsidy is terminated, he or she may re-apply for the in accordance with Section 2205, and upon determination of eligibility will be placed on the waiting-list pursuant to Section 2206.

2217 RIGHT TO REVIEW

- 2217.1 The Department may afford a consumer the opportunity to seek review of the Department's decision to deny eligibility for a supported housing subsidy.
- 2217.2 A consumer may request a review within fifteen (15) business days of the Department's denial of eligibility.
- 2217.3 Each request for a review shall contain a concise statement of the reason why the consumer should be determined eligible to receive a supported housing subsidy, with supporting documentation, if available.
- 2217.4 Each administrative review shall be conducted by the Director and shall be completed within fifteen (15) business days of the receipt of the consumer's request.
- 2217.5 The Director shall issue a written decision which sets forth his or her evaluation and resolution of the denial and describes the actions required of the Department and actions required of the consumer in implementing the decision.

2218 RIGHT TO A HEARING IF RECEIVING A HOME FIRST SUBSIDY

- 2218.1 A consumer who is receiving a Home First Subsidy may request a hearing, meeting the requirements of the D.C. Administrative Procedure Act, from the Department within thirty (30) business days of receiving written notice of reduction, suspension or termination of a supported housing subsidy.
- 2218.2 A timely request for a hearing shall automatically stay the Department's decision to reduce, terminate or suspend a Home First Subsidy pending the completion of a hearing.
- 2218.3 Each request for a hearing shall contain a concise statement of the reason why the supported housing subsidy should not be reduced, terminated or suspended.

- 2218.4 During the course of the hearing, the consumer shall have the right to:
- (a) Present any testimony, witnesses or other evidence, both orally and in writing;
 - (b) Cross-examine any witness presented by the Department; and
 - (c) Be represented by counsel, a relative, or other authorized personal representative, at the consumer's expense.
- 2218.5 The recommendation of the hearing officer shall be issued in writing within thirty (30) business days of the hearing and shall include findings of fact based exclusively on evidence presented at the hearing and conclusions of law.
- 2218.6 The Director shall review the recommendations of the hearing officer and render a final decision within fifteen (15) business days of receiving the hearing officer's recommendations. The Director shall describe the actions required of the Department and actions required of the consumer in implementing the decision.
- 2218.7 The Director may overrule the hearing officer in instances where he or she does not agree with findings, conclusions or recommendations presented for decision. In such cases, the reasons for the Director's decision shall be specified in writing.

2299 DEFINITIONS

When used in this chapter, the following terms and phrases shall have the meanings ascribed:

“Actively Engaged” – a consumer is provided mental health rehabilitation services from a CSA or other DMH-certified mental health provider at least once every thirty (30) days pursuant to a treatment plan.

“Adjusted Income” – as defined in Title 14 DCMR, Subsection 6099.1.

“Annual Income” – as defined in Title 14 DCMR, Subsection 6099.1.

“Consumer” – adult, child or youth who seeks or receives mental health services or mental health supports funded or regulated by the Department.

“Core Services Agency” or “CSA” – a DMH-certified community-based mental health provider that has entered into a Human Care Agreement with DMH to provide specified mental health rehabilitation services.

“Director” – the Director of the District of Columbia Department of Mental Health.

“Department” – the District of Columbia Department of Mental Health.

“Homeless consumer” – an individual that meets the definition of consumer above and:

- (a) Lacks a fixed, regular, and adequate nighttime residence; or
- (b) Has a primary nighttime residence that is:
 - (i) a supervised, publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
 - (ii) an institution that provides a temporary residence for individuals intended to be institutionalized; or
 - (iii) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or
- (c) Is institutionalized with no home to return to upon discharge.

“Landlord” – any person who, alone or jointly or severally with others, meets either of the following criteria:

- (a) Has legal title to any building arranged, designed, or used (in whole or in part) to house one or more habitations; or
- (b) Has charge, care, or control of any building arranged, designed or used (in whole or in part) to house one or more habitations, as owner or agent of the owner, or as a fiduciary of the estate of the owner or any officer appointed by the court.

DEPARTMENT OF HEALTH**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth in Section 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2007 Repl.)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of his intent to take final rulemaking action to adopt the following amendments to Chapter 62 (Nursing Home Administration) of Title 17 (Business, Occupations, and Professions) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

This rulemaking will strike provisions relating to provisional licensure and adopt the American College of Health Care Administrators’ Code of Ethics as the professional ethics standards for nursing home administrators, Administrator-in-Training, and students and graduates authorized to practice nursing home administration, pursuant to 17 DCMR § 6211.

CHAPTER 62, NURSING HOME ADMINISTRATION, of TITLE 17, BUSINESS, OCCUPATIONS, AND PROFESSIONS, OF THE DCMR is amended as follows:

The title of Section 6212 is amended to: CODE OF PROFESSIONAL CONDUCT.

Section 6212 is amended to read as follows:

6212 CODE OF PROFESSIONAL CONDUCT

6212.1 A licensee licensed under this Chapter, an Administrator-in-Training Program (A.I.T.), or a student or graduate authorized to practice nursing home administration pursuant to 17 DCMR § 6211 shall adhere to the standards set forth in the “Code of Ethics” as published by the American College of Health Care Administrators.

Section 6299 (DEFINITIONS) is amended by deleting the term and definition of “Provisional License”

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to Kenneth Campbell, General Counsel, Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 5th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays, at the address listed above, or by contacting Angli Black, Administrative Assistant, at Angli.Black@dc.gov, (202) 442-5977.

D.C. DEPARTMENT OF HUMAN RESOURCES**NOTICE OF PROPOSED RULEMAKING**

The Director of the D.C. Department of Human Resources, with the concurrence of the City Administrator, pursuant to the authority under Mayor's Order 2008-92, dated June 26, 2008, and in accordance with the provisions of Title XX of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-620.01 *et seq.* (2006 Repl.)), hereby gives notice of the intent to take final rulemaking action to adopt the following proposed rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

These rules would amend Chapter 20, "Health," of Subtitle B of Title 6, "Government Personnel", of the District of Columbia Municipal Regulations (DCMR). The purpose of these rules is to amend Chapter 20, "Health", in its entirety.

Upon adoption, these rules will supersede Chapter 20, "Health," as published at 40 DCR 7649 (November 5, 1993) and 51 DCR 10422 (November 12, 2004).

Chapter 20, "Health," of Subtitle B of Title 6 of the District of Columbia Municipal Regulations is amended as follows:

Section 2049, "Pre-Employment and Other Physical Examinations and General Medical Qualifications Requirement," is amended as follows:

**2049 PRE-EMPLOYMENT AND OTHER PHYSICAL EXAMINATIONS AND
 GENERAL MEDICAL QUALIFICATIONS REQUIREMENTS**

2049.1 The provisions of this section establish the requirements for pre-employment and other physical examinations, including fitness-for-duty examinations; general medical qualifications requirements; and preventive health programs pursuant to Section 2007(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-620.07(2) (2006 Repl.)), with adherence to the provisions of the Americans with Disabilities Act of 1990, approved July 26, 1990 (P.L. 101-336; 42 U.S.C. § 12101 *et seq.*), as amended; other federal or District laws or regulations; and equal employment opportunity considerations.

2049.2 Each individual selected for appointment shall be physically and mentally capable of safe and satisfactory performance of the essential functions of the position for which he or she was selected.

- 2049.3 Medical determinations shall be made by physicians or practitioners, and determinations regarding job requirements and performance shall be made by supervisors and managers.
- 2049.4 To the extent inconsistent with any applicable law or regulation, the provisions of this section shall not apply to:
- (a) Police officers in the Metropolitan Police Department;
 - (b) Firefighters in the Fire and Emergency Medical Services Department; and
 - (c) Employees on the public sector workers' compensation system pursuant to §§ 2301 through 2347 of the CMPA (D.C. Official Code § 1-623.01 *et seq.* (2012 Supp.)).
- 2049.5 Personnel authorities may establish physical and mental qualifications requirements that are necessary to perform a specific job or classes of jobs, such as certain jobs in transportation, public works, or security jobs. Any physical and mental qualification requirements established by the personnel authority pursuant to this subsection shall:
- (a) Be related to the duties and responsibilities of the specific job or classes of jobs, and consistent with business necessity.
 - (b) Be designed to ensure consideration of individuals having the minimum physical ability necessary to perform the duties of the job efficiently without posing a significant risk of substantial harm to his or her health or safety, or that of others.
 - (c) List disqualifying medical conditions only in cases in which job duties require special physical capabilities to safely and satisfactorily perform the duties assigned to the job.
 - (d) Be waived by the personnel authority when a determination is made that the appointee or employee is a "qualified individual with a disability," as that term is defined in Section 2099 of this chapter.
- 2049.6 The personnel authority may require an individual who has applied for or occupies a position with established physical or mental standards or requirements for selection or retention, or established occupational or environmental standards that require medical surveillance, to report for a medical examination or evaluation as follows:
- (a) Prior to appointment or selection (including reemployment on the basis of full or partial recovery from a medical condition);

- (b) On a regularly recurring, periodic basis; or
- (c) Whenever there is a direct question about an employee's continued capacity to meet the established physical or mental standards or requirements of the position, or conditions of employment.

2049.7 As appropriate in the case of positions with physical or mental qualification requirements pursuant to Subsection 2049.5 of this section, a personnel authority may either deny an applicant examination, deny an eligible appointment, or instruct or allow the employing agency to remove an appointee, by reason of physical or mental unfitness for the position for which he or she has applied or to which he or she has been appointed.

2049.8 In addition to a medical examination required pursuant to Subsection 2049.5 of this section, an employing agency may require a medical examination because of an employee's conduct or performance on the job. Such an examination shall be ordered only upon approval by the personnel authority of a written request from the agency.

2049.9 The personnel authority or employing agency may offer a medical examination when an employee has made a request for medical reasons for a change in duty status, assignments, or working conditions, or any other benefit or special treatment (including reemployment on the basis of full or partial recovery from a medical condition), and the employing agency, after it has received and reviewed the employee's medical documentation, determines that it cannot grant, support, or act further on the request without verification of the clinical findings and current clinical status.

2049.10 If an employee wishes his or her employing agency to consider any medical condition that may contribute to his or her unacceptable performance on the job, he or she shall furnish medical documentation, as that term is defined in Section 2099 of this chapter, of the condition. After the employing agency's review of the medical documentation supplied by the employee, the employing agency may, at its discretion, require a medical examination in accordance with this section.

2049.11 The medical examination process shall consist of the following:

- (a) When a personnel authority or agency orders or offers a medical examination under this section, it shall inform the applicant or employee in writing of its reasons for ordering or offering the examination, and the consequences for failure to adhere to the request.
- (b) The personnel authority or agency shall designate the examining physician, but shall offer an employee or former employee an opportunity to submit medical documentation from his or her personal physician or practitioner which the agency shall review and consider, or to propose a

physician or practitioner of his or her choice.

- (c) The personnel authority or agency shall provide the examining physician or practitioner with a copy of any approved medical evaluation protocol, any applicable medical qualifications and requirements for the position, or a detailed description of the duties of the position, including physical demands and environmental factors.
- (d) The personnel authority or agency may order a psychiatric examination (including a psychological assessment) only when the result of a current general medical examination authorized by the agency or personnel authority under this section indicates no physical explanation for behavior or actions which may affect the safe and efficient performance of the individual or others.
- (e) All medical specialty examinations ordered or offered under this section shall be conducted by a medical specialist.
- (f) The employee shall pay for any medical examination conducted by a physician or practitioner he or she selected, regardless of whether the medical qualifications examination is ordered or offered by the agency or scheduled on the employee's own initiative.
- (g) An agency may authorize, under conditions prescribed by the agency, an agency-required pre-employment medical qualifications examination of an applicant to be conducted by a physician or practitioner designated by the applicant, in which case the applicant shall pay for the examination.
- (h) Each agency shall receive and maintain all medical documentation and records of examinations obtained under this section in accordance with the provisions of Chapter 31 of these regulations.
- (i) The report of an examination conducted under this section shall be made available to the applicant or employee under the provisions of Chapter 31 of these regulations.

2049.12

If, based on the review of the medical documentation, in consultation with a physician or practitioner, the employing agency or personnel authority determines that an employee is temporarily disabled from performing his or her duties, the personnel authority may authorize one (1) or more of the following actions, as appropriate:

- (a) Detail;
- (b) Make existing facilities used by the employee readily accessible to and useable by a qualified individual with a disability;

- (c) Temporarily reassign to vacant position;
- (d) Change tour of duty; or
- (e) Any other feasible assistance in returning the employee to full performance capacity.

2049.13 If, based on the review of the medical documentation, in consultation with a physician or practitioner, the employing agency or personnel authority determines that the disability is permanent, the personnel authority shall do the following:

- (a) Determine whether reasonable accommodation can be made that would enable the employee to perform the essential functions of the position;
- (b) In the event of a negative determination under Subsection 2049.13(a) of this section, determine if there is another position available for which the employee qualifies and in which he or she can perform satisfactorily and safely, with or without reasonable accommodation;
- (c) In the event of a negative determination under Subsection 2049.13(b) of this section, explore with the employee, or his or her representative, the eligibility requirements and the advisability of filing for disability retirement or social security disability, as appropriate, and apply or assist in applying therefore; or
- (d) In the event that the individual does not qualify for or does not apply for disability retirement or social security disability, or, if his or her application has been disapproved, the personnel authority may initiate action to terminate the employee.

2049.14 If, based on the review of the medical documentation, the personnel authority determines that the employee is fit, and the employee continues to be deficient in either conduct or performance, the personnel authority may take administrative action against the employee. Any action taken against a Career Service employee covered under Chapter 16 of these regulations shall be taken under the provisions therein.

2049.15 This section shall not apply to any situation where an employee, due to a problem or condition that adversely affects his or her overall work performance, and with his or her supervisor's approval, is engaged in a voluntary program of medical assistance through a personal physician or practitioner, the Employee Assistance Program under Section 2050 of this chapter, or any other recognized and qualified party. In these situations, a medical examination may be offered at the employee's request, and shall be ordered only if the employee continues to

perform unsatisfactorily, or poses a significant risk of substantial harm to his or her health or safety, of that of others.

Section 2050, “Employee Assistance Program,” is amended as follows:

2050 EMPLOYEE ASSISTANCE PROGRAM

- 2050.1 In accordance with Section 2007(3) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-620.07(3) (2006 Repl.)), it shall be the policy of the District government to provide an Employee Assistance Program (EAP) designed to address personal problems that employees may encounter which may adversely affect their overall work performance or conduct on the job.
- 2050.2 The Director of the Department of Human Resources (Director of the DCHR) shall administer an EAP pursuant to Mayor’s Order 91-62, dated May 1, 1991.
- 2050.3 The provisions of a collective bargaining agreement shall take precedence over the provisions of this section, to the extent that there is a difference or conflict.
- 2050.4 The EAP shall provide counseling and related services to employees who are experiencing problems, including, but not limited to, the following problems or issues which may adversely affect work performance or conduct on the job:
- (a) Family and marital problems;
 - (b) Financial difficulties;
 - (c) Emotional or mental illness; and
 - (d) Substance abuse problems.
- 2050.5 Records and information on referral to, or participation in, the EAP, shall be maintained in confidence as provided in Chapter 31 of these regulations and any other applicable federal and District of Columbia laws and regulations.
- 2050.6 An employee who is experiencing problems that adversely affect his or her work performance or conduct on the job shall be encouraged to voluntarily seek assistance to resolve the problems.
- 2050.7 Managers and supervisors should, in appropriate cases, consider referring to the EAP employees who are experiencing problems which adversely affect their overall work performance or conduct on the job before taking administrative action against employees.
- 2050.8 Participation in the EAP shall not preclude the taking of a disciplinary action

under Chapter 16 of these regulations, if applicable, or any other appropriate administrative action, in situations where such action is deemed appropriate. The EAP shall not be used in lieu of disciplinary actions, or any other appropriate administrative action.

- 2050.9 Any employee (excluding temporary employees) shall be eligible to receive services through the EAP.
- 2050.10 The EAP shall consist of assessment, counseling, and referral services.
- 2050.11 Involvement in the EAP shall be on the basis of self-referral or agency referral.
- 2050.12 Up to two (2) hours of administrative leave may be granted to an employee to attend his or her initial EAP appointment.
- 2050.13 The services of the EAP shall be provided through contracted health care service provider(s).
- 2050.14 The cost of the initial assessment, counseling, and referral session with the EAP contractor shall be paid in full by the District government, to the extent that the session is not covered by the employee's health insurance carrier.
- 2050.15 Unless a separate program is established pursuant to the provisions of Subsection 2050.19 of this section, participation in the EAP rather than another employee assistance program in the District government by agencies under the personnel authority of the Mayor shall be mandatory.
- 2050.16 The Director of the DCHR shall establish the rates for participation in the EAP.
- 2050.17 The Director of the DCHR may enter into a written agreement with other personnel authorities to provide EAP services.
- 2050.18 Each subordinate agency and independent personnel authority that participates in the EAP administered by the DCHR shall designate an EAP coordinator.
- 2050.19 The Director of the DCHR may authorize the establishment of other employee assistance programs in the District government, and each such program shall be consistent with the provisions of this section.

A new Section 2051, "Wellness Program," is added to read as follows:

2051 WELLNESS PROGRAM

- 2051.1 In accordance with Subsection 2007(4) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-620.07(4) (2006 Repl.)), a District

government wellness program has been established to improve and promote health and fitness of District government employees.

Section 2099, “Definitions,” is amended as follows:

2099 DEFINITIONS

2099.1 For the purposes of this chapter, the following terms shall have the meaning ascribed:

Essential functions of the position – the fundamental job duties of the position that an employee or applicant holds or desires. A job function may be considered essential for any of several reasons, including but not limited to the following: the function may be essential because the reason the position exists is to perform that function; because of the limited number of employees available among whom the performance of that job function can be distributed; and/or the function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

Evidence of whether a particular function is essential includes, but is not limited to the following: the supervisor’s judgment as to which functions are essential; written job descriptions prepared before advertising or interviewing applicants for the job; the amount of time spent on the job performing the function; the consequences of not requiring the incumbent to perform the function; the work experience of past incumbents in the job; and/or the current work experience of incumbents in similar job.

Medical condition – A health impairment which results from injury, illness or disease, including psychiatric disease.

Medical documentation or documentation of a medical condition – a statement from a licensed physician or other appropriate practitioner which provides one (1) or more of the following kinds of information:

- (a) The history of the specific medical condition(s), including references to findings from previous examinations, treatment, and responses to treatment;
- (b) Clinical findings from the most recent medical evaluation, including any of the following that have been obtained:
 - (1) Findings of physical examination;
 - (2) Results of laboratory tests including drug and alcohol screening, X-rays, echocardiograms, and other special evaluations or diagnostic procedures; and

- (3) In the case of psychiatric disease evaluation of psychological assessment, the findings of a mental status examination and the results of psychological tests, if appropriate;
- (c) Assessment of the current clinical status and plans for future treatment;
- (d) Diagnosis;
- (e) An estimate of the expected date of full or partial recovery;
- (f) An explanation of the impact of the medical condition on the individual's capacity to carry out his or her assigned duties;
- (g) Narrative explanation of the medical basis for any conclusion that the medical condition has or has not become static or well stabilized;
- (h) Narrative explanation of the medical basis for any conclusion that duty restrictions or accommodations are or are not warranted and, if they are, an explanation of their therapeutic or risk-avoiding value; or
- (i) Narrative explanation of the medical basis for any conclusion that indicates the likelihood that the individual is, or is not, expected to suffer injury or harm with or without accommodation, by carrying out the tasks or duties of a position for which he or she is assigned or qualified.

Medical specialist – a physician who is board-certified in a medical specialty.

Physician – A licensed Doctor of Medicine or Doctor of Osteopathy, or a physician who is serving on active duty in the uniformed services and is designated by the uniformed service to conduct examinations under this chapter.

Practitioner – A person providing health services who is not a medical doctor, but who is certified by a national organization and licensed by a State to provide the service in question.

Qualified individual with a disability – an individual with a disability who satisfies the requisite skill, experience, education and other job related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

Reasonable accommodation – modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a

disability to perform the essential functions of that position; or modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities. Reasonable accommodation may include but is not limited to: making existing facilities used by employees readily accessible to and usable by individuals with disabilities; job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modifications of equipment or devices; appropriate adjustment or modifications of examinations, training materials, or policies; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities. All of the above is contingent upon the needs of the agency. A "covered entity" is an employer, employment agency, labor organization, or joint labor management committee.

Review of medical documentation – assessment of medical documentation by, or in coordination with, a physician to ensure that the following criteria are met:

- (a) The diagnosis or clinical impression is justified in accordance with established diagnostic criteria; and
- (b) The conclusions and recommendations are consistent with generally accepted medical principles and practice.

Comments on these proposed regulations should be submitted, in writing, within thirty (30) days of the date of the publication of this notice to Ms. Eboni Z. Gatewood-Crenshaw, Supervisory Human Resources Specialist (Policy), Office of the Director, Policy Division, D.C. Department of Human Resources, 441 4th Street, N.W., Suite 300S, Washington, D.C. 20001, or via email at eboni.gatewood-crenshaw@dc.gov. Additional copies of these proposed regulations are available at the above address.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKINGGAS TARIFF 97-3, IN THE MATTER OF THE APPLICATION OF WASHINGTON GAS LIGHT COMPANY FOR AUTHORITY TO AMEND ITS RATE SCHEDULES FOR NOS. 3, 3A, 5 AND 6

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Official Code, and in accordance with Section 2-505 of the District of Columbia Official Code,¹ of its intent to act upon the Application of Washington Gas Light Company (“WGL” or “Company”) in not less than thirty (30) days from the date of publication of this Notice of Proposed Rulemaking (“NOPR”) in the *D.C. Register*.

2. On April 5, 2013, WGL filed its GT 97-3 – Interruptible Daily Balancing Revised Tariff Application with proposed revised tariff pages for Rate Schedule No. 3, Interruptible Sales Services; Rate Schedule No. 3A, Interruptible Delivery Services; Rate Schedule No. 5, Firm Delivery Service Supplier Agreement; and Rate Schedule No. 6, Small Commercial Aggregation Pilot.² In summary, WGL is proposing first to eliminate Rate Schedule No. 3, stating that there are only 7 Interruptible Sales Service customers on this rate schedule and that there are other available options for these customers.³ Second, WGL proposes revisions to Rate Schedule No. 3A, to: 1) ensure that Competitive Service Providers’ (“CSP”) customers receiving Interruptible Delivery Service from WGL pay their fair share of the balancing costs; 2) clarify the CSPs’ responsibilities to make deliveries of natural gas on behalf of their customers; and 3) clarify the daily nomination and delivery requirements.⁴ Third, WGL seeks to modify Rate Schedule No. 5 to implement electronic transaction processes for the exchange of information between Washington Gas and CSPs.⁵ Fourth, WGL proposes tariff changes to Rate Schedule No. 6, as the Small Commercial Aggregation Pilot is obsolete since it has surpassed its pilot program phase.⁶ The Company also proposes revisions to this rate schedule governing the relationship

¹ D.C. Official Code, § 2-505 (2011 Repl.); D.C. Official Code § 34-802 (2010 Repl.).

² *Gas Tariff 97-3, In the Matter of the Application of Washington Gas Light Company For Authority to Amend Its Rate Schedules For Nos. 3,3A, 5 and 6 (GT97-3)*, filed April 5, 2013 (“Application”).

³ Application at 8-9.

⁴ Application at 2.

⁵ Application at 2.

⁶ Application at 20.

between WGL and CSPs, as it relates to the provision of Interruptible Delivery Service. In addition, all aspects of the Supplier Agreements that CSPs will be required to enter into with WGL will be incorporated under this rate schedule.⁷

3. The Application is on file with the Commission and may be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., Second Floor, West Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday, or may be viewed on the Commission's website at www.dcpssc.org. Copies of the tariff pages are also available upon request, at a per-page reproduction cost.

4. Comments on the proposed Revised Tariff Application must be made in writing to Brinda Westbrook-Sedgwick, Commission Secretary, at the above address. All comments must be received within thirty (30) days of the date of publication of this NOPR in the *D.C. Register*. Reply Comments may be filed within forty-five (45) days of the publication of the NOPR. Once the comment period has expired, the Commission will take final action on WGL's Revised Tariff Application.

⁷ Application at 20.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Directors of the District of Columbia Water and Sewer Authority (the Board), pursuant to the authority set forth in Section 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Official Code §§ 34-2202.03(3) and (11) (2010 Repl.) and D.C. Official Code § 34-2202.16 (2010 Repl.)); Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(a)(2011 Repl.)); and in accordance with Chapter 40, “Retail Ratemaking,” of Title 21, “Water and Sanitation,” of the District of Columbia Municipal Regulations (DCMR), hereby gives notice of its intention to amend Sections 4101, “Rates for Sewer Service,” and 4199, “Definitions” of Chapter 41, “Retail Water and Sewer Rates,” of Title 21, “Water and Sanitation,” of the DCMR.

The Board expressed its intention to amend the DCMR at its regularly scheduled Board meeting held on April 4, 2013, pursuant to Board Resolution # 13-44. The Board authorized DC Water to establish a three year pilot credit/discount program for the DC Clean Rivers Impervious Surface Area Charge (IAC) with a 4% maximum incentive credit/discount, not to exceed an annual established budget allowance. The costs for the credits/discounts will be applied to the rate of the associated customer category. The effective date for the DC Clean Rivers IAC Incentive Program will be the effective date of the District Department of the Environment (RiverSmart Rewards) stormwater credit/discount program, but not earlier than October 1, 2013.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

In addition, the Board will receive comments on these proposed rules at a public hearing on May 8, 2013. Notice of the public hearing notice was published in the March 22, 2013 edition of the *D.C. Register*, at 60 DCR 4194-4195.

Title 21, WATER AND SANITATION, Chapter 41, Retail Water and Sewer Rates of the DCMR is amended by adding Sections 4105 through 4109, as follows:

4105 DISTRICT OF COLUMBIA CLEAN RIVERS IMPERVIOUS SURFACE AREA CHARGE INCENTIVE DISCOUNT PROGRAM: PURPOSE

4105.1 The purposes of Sections 4105 through 4109 are to:

- (a) Implement the District of Columbia Clean Rivers Impervious Surface Area Charge Incentive Program;
- (b) Provide an incentive for the installation of eligible best management practices that reduce the amount of stormwater runoff from a property, as determined by the District Department of the Environment (DDOE); and

- (b) Comply with the requirements of the Water and Sewer Authority Equitable Ratemaking Amendment Act of 2008, effective March 25, 2009 (D.C. Law 17-370; D.C. Official Code § 34-2202.16a. (2010 Repl.).

4106 DISTRICT OF COLUMBIA CLEAN RIVERS IMPERVIOUS SURFACE AREA CHARGE INCENTIVE DISCOUNT PROGRAM: ELIGIBILITY

- 4106.1 Each DC Water customer that is billed for the Clean Rivers Impervious Surface Area Charge (IAC) pursuant to Section 4101 of this chapter, shall be eligible to receive a DC Clean Rivers Impervious Surface Area Charge Incentive (IAC Incentive) Discount as provided in Sections 4105 through 4109 of this chapter.
- 4106.2 The IAC Incentive Discounts are subject to the availability of funds and maximum budget limits established by DC Water's budget appropriations.
- 4106.3 DC Water shall apply an IAC Incentive Discount towards a customer's bill based on DDOE's approval of a stormwater fee discount for the customer's property.
- 4106.4 A customer shall receive an IAC Incentive Discount beginning on the effective date of this section after DC Water receives DDOE's storm water fee discount approval for that property.
- 4106.5 The IAC Incentive Discount shall be retroactive to the effective date of these rules, or the date from which DDOE calculates a stormwater fee discount, whichever is later.
- 4106.6 The IAC Incentive Discount shall not be retroactive to the original installation date of the DDOE approved stormwater Best Management Practice (BMP).
- 4106.7 DC Water shall calculate the IAC Incentive Discount to be applied towards a customer's IAC:
 - (a) As a recurring discount to the IAC billed pursuant to § 4101 of this chapter;
 - (b) Beginning, the billing period that follows DC Water receipt and processing of DDOE's stormwater fee discount approval. For customers billed on a semi-annual basis, the discount will appear on their next bill normally in March and September; and
 - (c) Ending, under the criteria provided in § 4106.9 of this chapter.
- 4106.8 A DC Water customer shall, in order to receive an IAC Incentive Discount:
 - (a) Be current on all DC Water billed payments; and

(b) Satisfy all DDOE requirements to receive a stormwater fee discount.

4106.9 The IAC Incentive Discount shall expire on the first of:

(a) The expiration of DDOE's approved stormwater fee discount period provided in Chapter 5 of this title;

(b) DDOE's revocation of the stormwater fee discount;

(c) The sale or transfer of the property to a new owner; or

(d) Three (3) years after the effective date of this section.

4107 DISTRICT OF COLUMBIA CLEAN RIVERS IMPERVIOUS SURFACE AREA CHARGE INCENTIVE DISCOUNT PROGRAM: DISCOUNT CALCULATION

4107.1 The IAC Incentive Discount shall not exceed the maximum allowable IAC Incentive Discount percentage, which shall be four percent (4%) of the otherwise chargeable Clean Rivers Impervious Area Charge in the first year of the IAC Discount program, which may change in subsequent years subject to DC Water's budget appropriations.

4107.2 The maximum allowable IAC Incentive Discount percentage is subject to change annually based on DC Water's budget appropriations.

4107.3 The IAC Incentive Discount shall be calculated as follows:

(a) DDOE will send DC Water the DDOE approved maximum volume of stormwater runoff retained (in Equivalent Residential Units (ERUs)) by an approved and eligible BMP(s) during a one and two tenths inch (1.2 in.) rainfall event;

(b) Multiply the number of ERUs of step "(a)" by the maximum allowable discount percentage; and

(c) Multiply the step "(b)" result by the IAC per ERU specified in § 4101 of this chapter.

4107.4 The calculated IAC Incentive Discount shall be applied to each Clean Rivers Impervious Area Charge billed.

4107.5 The IAC Incentive Discount will appear on the customer's DC Water bill beginning with the billing period that follows DC Water's receipt and processing of DDOE's approved maximum volume of stormwater runoff retained (in ERUs).

For customers billed on a semi-annual basis, the discount will appear on their next bill, which is normally in March and September.

4108 DISTRICT OF COLUMBIA CLEAN RIVERS IMPERVIOUS SURFACE AREA CHARGE INCENTIVE DISCOUNT PROGRAM: DISCOUNT REDUCTION

4108.1 If DDOE determines that a customer's stormwater fee discount shall be reduced, DC Water shall reduce the IAC Incentive Discount proportionately upon receipt of DDOE's decision to reduce the stormwater retention value expressed in ERUs for the property.

4109 DISTRICT OF COLUMBIA CLEAN RIVERS IMPERVIOUS SURFACE AREA CHARGE INCENTIVE DISCOUNT PROGRAM: ADMINISTRATIVE APPEALS AND JUDICIAL REVIEW

4109.1 Any appeals related to a DDOE action regarding BMP application review or approval, eligibility, and stormwater retention volume calculations shall be taken in accordance with Section 563 of this title.

4109.2 Appeals of DC Water actions regarding the IAC Incentive Discount shall be taken in accordance with Chapter 4 of this title.

SECTION 4199, DEFINITIONS, is amended to add the following definitions, and these additional definitions shall be inserted in the correct alphabetical order:

DC Water - the District of Columbia Water and Sewer Authority.

DDOE - the District Department of the Environment.

Best Management Practice (BMP) - Structural or nonstructural practice that minimizes the impact of stormwater runoff on receiving waterbodies and other environmental resources, especially by reducing runoff volume and the pollutant loads carried in that runoff.

Comments on these proposed rules should be submitted, in writing, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register* to, Linda R. Manley, Secretary to the Board, District of Columbia Water and Sewer Authority, 5000 Overlook Ave., S.W., Washington, D.C. 20032, or by email to Lmanley@dcwater.com or by FAX at (202) 787-2795. Copies of these proposed rules may be obtained from the DC Water at the same address or by contacting Ms. Manley at (202) 787-2332.

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2013-081
April 24, 2013

SUBJECT: Appointment – Interim Chief Medical Examiner,
Office of the Chief Medical Examiner

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code §§ 1-204.22(2) and (11) (2012 Supp.), and by section 2903 of the Establishment of the Office of the Chief Medical Examiner Act of 2000, effective October 19, 2000, D.C. Law 13-172, D.C. Official Code § 5-1402 (2012 Supp.), it is hereby **ORDERED** that:

1. **DR. MARIE PIERRE-LOUIS**, whose term as Chief Medical Examiner expires April 30, 2013, is appointed Interim Chief Medical Examiner, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2008-128, dated October 1, 2008.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2013-082
April 24, 2013

SUBJECT: Appointment – Citizen Review Panel: Child Abuse and Neglect

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.), and in accordance with sections 351 and 352 of the Prevention of Child Abuse and Neglect Act of 1977, effective April 12, 2005, D.C. Law 15-341, D.C. Official Code §§ 4-1303.51 and 4-1303.52 (2008 Repl.), it is hereby **ORDERED** that:

1. **BETTY NYANGONI** is appointed as the Chairperson of the Citizen Review Panel: Child Abuse and Neglect, and shall serve in that position at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2013-083
April 30, 2013


SUBJECT: Appointment – District of Columbia Healthy Youth and Schools
Commission

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.), and pursuant to section 701 of the Healthy Schools Act of 2010, effective July 27, 2010, D.C. Official Code § 38-827.01, D.C. Law 18-209 (“Act”), which establishes the District of Columbia Healthy Youth and Schools Commission, and section 702(a) and (b) of the Act, it is hereby **ORDERED** that:

1. **DIANA K. BRUCE** is appointed to the District of Columbia Healthy Youth and Schools Commission, as the designee representative of the District of Columbia Public Schools, replacing Adele Fabrikant, and shall serve in that capacity at the pleasure of the Mayor, to complete the remainder of an unexpired three term year that ends May 1, 2015.
2. **EFFECTIVE DATE:** This Order shall be effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST: 
CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
CHANGE OF HOURS AGENDA

WEDNESDAY, MAY 8, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Approved Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service: Monday through Thursday 9:00 am – 9:00 pm; Friday and Saturday 9:00 am – 10:00 pm. Proposed Hours of Operation and Proposed Hours of Alcoholic Beverage Sales/Service: Sunday 12:00 pm – 8:00 pm; Monday through Thursday 9:00 am – 10:00 pm; Friday and Saturday 9:00 am – 11:00 pm. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 4D. SMD 4D01. *Joung's Jefferson, Inc. T/A Jefferson Liquors*, 5307 Georgia Ave, NW. Retailer's Class A. License No. 074373.

2. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Approved Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service: Monday through Saturday 9:00 am - 12:00 am. Proposed Hours of Operation and Proposed Hours of Alcoholic Beverage Sales/Service: Sunday through Saturday 7:00 am - 12:00 am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No conflict with Settlement Agreement. ANC 1A. SMD 1A08. *Giant Enterprises, Inc. T/A Giant Liquors*, 3504 Georgia Avenue, NW. Retailer's Class A, License No. 074791.

3. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales (Sunday Only). Approved Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service: Sunday 9:00 a.m. – 9:00 pm; Monday through Thursday 9:00 am – 10:00 p.m.; Friday and Saturday 9:00 am - 11:00 pm. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service: Sunday 10:00 a.m. – 8:00 pm; Monday through Thursday 9:00 am – 10:00 p.m.; Friday and Saturday 9:00 am - 11:00 pm. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 8C. SMD 8C02. *D.J. Jackson, Inc. T/A Mart Liquors*, 2931 Martin Luther King Jr. Avenue, SE Retailer's Class A, License No. 090154.

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4. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Approved Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service: Monday through Saturday 9:00 am - 12:00 am. Proposed Hours of Operation and Proposed Hours of Alcoholic Beverage Sales/Service: Sunday through Saturday 7:00 am - 12:00 am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No conflict with Settlement Agreement. ANC 3C. SMD 3C03. *In Soon Park T/A Cathedral Liquors*, 3000 Connecticut Avenue, NW. Retailer's Class A, License No. 016425.
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**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, MAY 8, 2013
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On May 8, 2013 at 4:00 pm, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case#13-CMP-00172 Bistro Francais, 3124 M ST NW Retailer C Restaurant, License#: ABRA-001428

2. Case#13-CMP-00197 Remington's, 639 PENNSYLVANIA AVE SE Retailer C Nightclub, License#: ABRA-009238

3. Case#13-CMP-00160 Tuscana West, 1350 I ST NW Retailer C Restaurant, License#: ABRA-082284

4. Case#13-CMP-00173 Pi, 2309 18TH ST NW Retailer C Restaurant, License#: ABRA-076754

5. Case#13-CMP-00104 Vita Restaurant and Lounge/Penthouse Nine, 1318 9TH ST NW Retailer C Tavern, License#: ABRA-086037

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
AGENDA

WEDNESDAY, MAY 8, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Application for Substantial Change: Seating and Load Capacity Increase in Basement from 92/109 to 164/222. ***Approved Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service:*** Sunday through Thursday 11:00 am – 2:00 am; Friday and Saturday 11:00 am – 3:00 am. ***Approved Hours for Entertainment:*** Sunday through Thursday 11:00 am – 2:00 am; Friday and Saturday 11:00 am – 3:00 am. ***Approved Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service for Sidewalk Café:*** Sunday through Saturday 11:00 am – 12:00 am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 2C. SMD 2C01. ***Laughing Man***, 1310 G Street NW Retailer CT, Lic.#: 79786.

2. Review of Application for Class Change: CR to CT. ***Approved Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service:*** Sunday 12:00 pm – 2:00 am; Monday through Thursday 4:00 pm – 2:00 am; Friday 4:00 pm – 3:00 am; Saturday 12:00 pm – 3:00 am. ***Approved Hours for Entertainment:*** Sunday through Thursday 6:00 pm – 11:00 pm; Friday and Saturday 6:00 pm – 1:00 am. ***Approved Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service for Summer Garden:*** Sunday through Thursday 4:00 pm – 2:00 am; Friday 4:00 pm – 3:00 am; Saturday 12:00 pm – 3:00 am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No conflict with Settlement Agreement. ANC 1B. SMD 1B02. ***El Ray***, 919 U Street NW Retailer CR02, Lic.#: 86604.

3. Review of First Amendment Amendment to Voluntary Settlement Agreement dated June 12, 2012 by and among Hargunn, Inc. T/A Mayfair Liquors, Advisory Neighborhood Commission 4A02 and Advisory Neighborhood Commission 4A03. ***Mayfair Liquors***, 7312 Georgia Avenue NW Retailer A, Lic.#: 60561.

4. Review of Application for Substantial Change: Cover Charge and Dancing. ***Approved Hours of Operation:*** Sunday through Saturday 24 Hours/day. ***Approved Hours of Alcoholic Beverage Sales/Service:*** Sunday 12:00 pm – 2:00 am; Monday through Thursday 11:00 am – 2:00 am; Friday and Saturday 11:00 am – 3:00 am. ***Approved Hours of Entertainment:*** Sunday through Saturday 11:00 am – 2:00 am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 2C. SMD 2C01. ***Embassy Suites***, 900 10th Street NW Retailer CH, Lic.#: 74001.

Board's Agenda – May 8, 2013 - Page 2

5. Review of Application for Substantial Change: Larger Off-Premises Storage Facility for On-Line Business. **Approved Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service:** Sunday through Saturday 9:00 am – 9:00 pm. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 2B. SMD 2B05. **Federal Spirits**, 1629 K Street NW Retailer A, Lic.#: 89730.

6. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. **Approved Hours of Operation:** Sunday through Saturday 24 Hours/day. **Approved Hours of Alcoholic Beverage Sales/Service:** Sunday 10:00 am – 2:00 am; Monday through Thursday 8:00 am – 2:00 am; Friday and Saturday 8:00 am – 3:00 am. **Approved Hours of Alcoholic Beverage Sales/Service for Summer Garden:** Sunday 10:00 am – 12:00 am; Monday through Saturday 8:00 am – 12:00 am. **Proposed Hours of Operation:** No Change; **Proposed Hours of Alcoholic Beverage Sales/Service:** Sunday 8:00 am – 2:00 am; Monday through Thursday No Change; Friday and Saturday No Change. **Proposed Hours of Alcoholic Beverage Sales/Service for Summer Garden:** No Change. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 2E. SMD 2E05. **Four Seasons Hotel**, 2800 Pennsylvania Avenue NW Retailer CH, Lic.#: 74900.

7. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. **Approved Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service:** Sunday 5:00 pm – 10:00 pm; Monday through Thursday 11:30 am – 10:00 pm; Friday 11:30 am – 11:00 pm; Saturday 5:00 pm – 11:00 pm. **Proposed Hours of Operation And Proposed Hours of Alcoholic Beverage Sales/Service:** Sunday 5:00 pm – 11:00 pm; Monday through Thursday 11:30 am – 11:00 pm; Friday 11:30 am – 11:30 pm; Saturday 5:00 pm – 11:30 pm. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 3C. SMD 3C04. **Lavandou Restaurant**, 3321 Connecticut Avenue NW Retailer CR01, Lic.#: 1606.

8. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. **Approved Hours of Operation:** Sunday through Saturday 7:00 am – 11:00 pm. **Approved Hours of Alcoholic Beverage Sales/Service:** Sunday 11:00 am – 3:00 pm; Monday through Saturday 11:00 am – 11:00 pm. **Proposed Hours of Operation:** Sunday through Saturday 7:00 am – 1:00 am. **Proposed Hours of Alcoholic Beverage Sales/Service:** Sunday through Saturday 11:00 am – 1:00 am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 2B. SMD 2B02. **Cosmos Club**, 2121 Massachusetts Avenue NW Retailer CX, Lic.#: 150.

Board's Agenda – May 8, 2013 - Page 3

9. Review of Application for Substantial Change: Summer Garden (60 Seats). **Approved**
Hours of Operation: Sunday through Saturday 7:00 am – 11:00 pm. **Approved Hours of**
Alcoholic Beverage Sales/Service: Sunday 11:00 am – 3:00 pm; Monday through Saturday
11:00 am – 11:00 pm. No pending investigative matters. No pending enforcement matters.
No outstanding fines/citations. No Settlement Agreement. ANC 2B. SMD 2B02. **Cosmos**
Club, 2121 Massachusetts Avenue NW Retailer CX, Lic.#: 150.

10. Manager's Application: Garry Fernandez. **

11. Review of District of Columbia's Opposition to Respondent's Motion to Vacate Discharge
and Dismiss Show Cause, dated April 29, 2013, from Louise Phillips. **Lotus**, 1420 K Street
NW Retailer CN03, Lic.#: 75162.

12. Review of letter, dated April 19, 2013, from Abeba Beyane providing details about the
proposed changes to Vita Restaurant and Lounge/Penthouse Nine. **Vita Restaurant and**
Lounge/Penthouse Nine (Formerly Mood Lounge), 1318 9th Street NW Retailer CT02,
Lic.#: 86037.

13. Review of letter, dated April 19, 2013, from the Islander Caribbean Restaurant & Lounge
complaining that the residents in the neighborhood are stealing placards and harassing the
owners. **Islander Caribbean Restaurant & Lounge**, 1201 U Street NW Retailer CR01, Lic.#:
24599.

14. Review of Petition to Terminate Settlement Agreement, dated March 25, 2013, from Ghana
Café. **Ghana Café**, 1336 14th Street NW Retailer CR01, Lic.#: 82571.*

15. Review of Petition to Terminate Settlement Agreement, dated April 24, 2013, from Radius.
Radius, 3155 Mount Pleasant Street NW Retailer CR01, Lic.#: 90797.*

16. Review of Petition to Terminate or Amend Settlement Agreement, dated March 29, 2013,
for Rice Restaurant & Bar. **Rice Restaurant & Bar**, 1608 14th Street NW Retailer CR01,
Lic.#: 60730. *Postponed on the April 17, 2013 Agenda.**

Board's Agenda – May 8, 2013 - Page 4

17. Review of Settlement Agreement, dated April 10, 2013, between Rice Restaurant & Lounge and ANC 2F. *Rice Restaurant & Bar*, 1608 14th Street NW Retailer CR01, Lic.#: 60730.*

18. Review of Settlement Agreement, dated April 25, 2013, between World Liquors and ANC 6B. *World Liquors*, 1453 Pennsylvania Avenue SE Retailer A, Lic.#: 76.*

19. Review of Settlement Agreement, dated April 9, 2013, between Acqua al 2/Suna/Harold Black Bar and ANC 6B. *Acqua al 2/Suna/Harold Black Bar*, 212 7th Street SE Retailer CR02, Lic.#: 80056.*

20. Review of Settlement Agreement, dated April 9, 2013, between We, the Pizza and ANC 6B. *We, The Pizza*, 305 Pennsylvania Avenue SE Retailer CR02, Lic.#: 82062.*

21. Review of Settlement Agreement, dated April 3, 2013, between Aatish On The Hill and ANC 6B. *Aatish On The Hill*, 609 Pennsylvania Avenue SE Retailer CR01, Lic.#: 25153.*

22. Review of Settlement Agreement, dated March 14, 2013, between Angelico Pizzeria & Café and ANC 3E. *Angelico Pizzeria & Cafe*, 4529 Wisconsin Avenue NW Retailer CR01, Lic.#: 60711.*

23. Review of Settlement Agreement, dated April 17, 2013, between Lalibela Ethiopian Restaurant and the Rockingham Condominium Association. *Lalibela Ethiopian Restaurant*, 1415 14th Street NW Retailer CR01, Lic.#: 23745.*

*** In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

**** In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations. The Board's vote will be held in an open session, and the public is permitted to attend.**

E.L. HAYNES PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Research Study

E.L. Haynes Public Charter School invites proposals for a research study to be completed by May 2014. Proposals are due via email to Samantha Messer no later than 5:00 PM May 13, 2013. The RFP with bidding requirements can be obtained by contacting:

Samantha Messer
E.L. Haynes Public Charter School
Phone: 202.907.5111
Email: smesser@elhaynes.org

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

The District of Columbia Board of Elections hereby gives notice that there are vacancies in five (5) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2) (2001 & 2006 Repl.)

VACANT: 5A04, 7D02, 7F07, 8C04 and 8E03

Petition Circulation Period: **Monday, May 6, 2013 thru Tuesday, May 28, 2013**

Petition Challenge Period: **Friday, May 31, 2013 thru Thursday, June 6, 2013**

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

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

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

FRIENDSHIP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

Friendship Public Charter School is seeking bids from prospective candidates to provide the following goods or services:

Supplier of Groceries Provide grocery items to support the USDA National School Breakfast and Lunch Program, Supper program under the CACFP Program and any other related programs at Friendship Public Charter School Food and Nutrition Services, during school year 2013-2014.

Supplier of Bread Products Provide bread items to support the USDA National School Breakfast and Lunch Program, Supper program under the CACFP program and any other related programs at Friendship Public Charter School, Food and Nutrition Services during school year 2013-2014

Supplier of Paper and Chemical Products Provide Paper and Chemical product items to support the USDA National School Breakfast and Lunch Program at Friendship Public Charter School, CACFP sponsored afterschool Supper Program and other programs operated by Food and Nutrition Services during school year 2013-2014.

A Complete copy of the IFB with bid specifications can be picked up at 120 Q Street, NE 2nd Floor Reception Desk, and Washington, DC 20002 no later than 4:00 pm on May 15, 2013. Electronic copies of this IFB can be obtained by calling 202.281.1722 or emailing vboahene@friendshipschools.org

Provider of Security Monitoring Services, in accordance with requirements and specifications detailed in the Request for Proposal. An electronic copy of the full Request for Proposal (RFP) may be requested by contacting: Valerie Boahene at vholmes@friendshipschools.org, or calling 202-281.1722

HEALTH BENEFIT EXCHANGE AUTHORITY**NOTICE OF PUBLIC MEETING****Executive Board of the Health Benefit Exchange Authority**

The Executive Board of the Health Benefit Exchange Authority, pursuant to the requirements of Section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-0094), hereby announces a public meeting of the Executive Board. The meeting will be held via teleconference on Thursday, **April 25, 2013**, at 11:00 am. The call in number is 1-877-668-4493, Access code: 647 827 187.

The Executive Board meeting is open to the public.

If you have any questions, please contact Debra Curtis at (202) 741-0899.

HEALTH BENEFIT EXCHANGE AUTHORITY
NOTICE OF PUBLIC MEETING

Executive Board of the Health Benefit Exchange Authority

The Executive Board of the Health Benefit Exchange Authority, pursuant to the requirements of Section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-0094), hereby announces a public meeting of the Executive Board. The meeting will be at 441 4th Street NW, Suite 820 N on Thursday, **May 9, 2013**, at 5:30 pm. The call in number is 1-877-668-4493, Access code 648 642 857.

The Executive Board meeting is open to the public.

If you have any questions, please contact Debra Curtis at (202) 741-0899.

**DISTRICT OF COLUMBIA
HISTORIC PRESERVATION REVIEW BOARD**

NOTICE OF HISTORIC LANDMARK AND HISTORIC DISTRICT DESIGNATIONS

The D.C. Historic Preservation Review Board hereby provides public notice of its decision to designate the following property as a historic landmark in the D.C. Inventory of Historic Sites. The property is now subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

Designation Case No. 13-09: Chapman Coal Company Stable and Garage
37-57 N Street NW (Square 617, Lot 215)
Designated March 28, 2013

Designation Case No. 12-04: Brigadier General George P. Scriven House
1300 New Hampshire Avenue NW (Square 97, Lot 56)
Designated April 25, 2013

Listing in the D.C. Inventory of Historic Sites provides recognition of properties significant to the historic and aesthetic heritage of the nation's capital city, fosters civic pride in the accomplishments of the past, and assists in preserving important cultural assets for the education, pleasure and welfare of the people of the District of Columbia.

D.C. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**NOTICE OF LEVEL OF ASSISTANCE FOR THE
HOME PURCHASE ASSISTANCE PROGRAM**

The D.C. Department of Housing and Community Development, pursuant to the authority in Chapter 25, Title 14, DCMR, Section 2503 and Section 2510 of the rules for the Home Purchase Assistance Program (HPAP), hereby gives notice that it has established the income limits and homebuyer assistance for participation of very low income, low income and moderate income households in the HPAP.

The income limits have been determined based on the area median income of \$107,300 established by the Secretary of the U.S. Department of Housing and Urban Development for 2013, for the Washington, DC Metropolitan Statistical Area. The amounts have been calculated based on Section 2510 of the HPAP Program rules. The first time Homebuyer Assistance Table reflects the amount of assistance for home purchases through gap financing for first time homebuyers in an amount up to \$40,000 plus \$4,000 for closing cost assistance. The assistance provided is based on household income and size and shall be effective upon publication of this Notice in the D.C. Register. The Assistance Table shall be effective on April 26, 2013.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (DHCD)

HOME PURCHASE ASSISTANCE PROGRAM (HPAP)

First-Time Homebuyer Assistance Table for Gap Financing and Closing Cost Assistance
Effective April 26, 2013

NOTE:

** Closing Cost Assistance for all eligible households = up to \$4,000.

Closing Cost Assistance is provided to eligible households distinct from and in addition to Gap Financing Assistance, which is shown below.

** Per Client Gap Financing Assistance Cap = \$40,000.

Calculated Maximum Assistance Available per Household Income by Household Size is as follows:

Household Size	1	2	3	4	5	6	7	8
Maximum assistance								
	per household income less than or equal to:							
Very low income households								
\$ 40,000	\$ 37,600	\$ 42,950	\$ 48,300	\$ 53,650	\$ 57,950	\$ 62,250	\$ 66,550	\$ 70,850
Low income households								
\$ 35,000	\$ 46,750	\$ 53,400	\$ 60,100	\$ 66,750	\$ 70,950	\$ 75,100	\$ 79,250	\$ 83,450
\$ 31,000	\$ 47,600	\$ 54,400	\$ 61,200	\$ 68,000	\$ 72,250	\$ 76,500	\$ 80,750	\$ 85,000
\$ 28,750	\$ 48,300	\$ 55,200	\$ 62,100	\$ 69,000	\$ 73,300	\$ 77,650	\$ 81,950	\$ 86,250
\$ 26,500	\$ 49,000	\$ 56,000	\$ 63,000	\$ 70,000	\$ 74,400	\$ 78,750	\$ 83,150	\$ 87,500
\$ 24,250	\$ 49,700	\$ 56,800	\$ 63,900	\$ 71,000	\$ 75,450	\$ 79,900	\$ 84,300	\$ 88,750
\$ 22,000	\$ 50,400	\$ 57,600	\$ 64,800	\$ 72,000	\$ 76,500	\$ 81,000	\$ 85,500	\$ 90,000
\$ 19,750	\$ 51,100	\$ 58,400	\$ 65,700	\$ 73,000	\$ 77,550	\$ 82,150	\$ 86,700	\$ 91,250
\$ 17,500	\$ 51,800	\$ 59,200	\$ 66,600	\$ 74,000	\$ 78,650	\$ 83,250	\$ 87,900	\$ 92,500
\$ 15,250	\$ 52,500	\$ 60,000	\$ 67,500	\$ 75,000	\$ 79,700	\$ 84,400	\$ 89,050	\$ 93,750
\$ 14,000	\$ 53,200	\$ 60,800	\$ 68,400	\$ 76,000	\$ 80,750	\$ 85,500	\$ 90,250	\$ 95,000
\$ 13,000	\$ 53,900	\$ 61,600	\$ 69,300	\$ 77,000	\$ 81,800	\$ 86,600	\$ 91,450	\$ 96,250
\$ 10,000	\$ 60,100	\$ 68,700	\$ 77,250	\$ 85,850	\$ 91,200	\$ 96,600	\$ 101,950	\$ 107,300
Moderate income households								
\$ 8,000	\$ 61,600	\$ 70,400	\$ 79,200	\$ 88,000	\$ 93,500	\$ 93,500	\$ 93,500	\$ 93,500
\$ 6,000	\$ 63,000	\$ 72,000	\$ 81,000	\$ 90,000	\$ 95,650	\$ 95,650	\$ 95,650	\$ 95,650
\$ 3,200	\$ 64,400	\$ 73,600	\$ 82,800	\$ 92,000	\$ 97,750	\$ 97,750	\$ 97,750	\$ 97,750
\$ 400	\$ 65,800	\$ 75,200	\$ 84,600	\$ 94,000	\$ 99,900	\$ 99,900	\$ 99,900	\$ 99,900
\$ 0*	\$ 82,650	\$ 94,450	\$ 106,250	\$ 118,050	\$ 125,450	\$ 125,450	\$ 125,450	\$ 125,450

*Moderate income households in this uppermost range of incomes are eligible for Closing Cost Assistance only.

Assistance levels are determined for four-person households by calculating standard mortgage qualification levels for each \$1,000 of income. Household incomes eligible for assistance for household sizes other than four persons are adjusted as shown.

IMAGINE SOUTHEAST PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS

Technology Equipment, Software & Support Services

Imagine Southeast PCS is seeking competitive bids from a firm or individual to provide Technology Equipment, Software and Support Services to their site at 3100 Martin Luther King Jr. Ave. SE.

Proposals must include evidence of experience and references.

Imagine Southeast PCS reserves the right to cancel this RFP at any time.

Deadline for submission is close of business May 24, 2013.

Please e-mail proposals and supporting documentation to Melissa Winters at Melissa.winters@imageschools.com.

Special Education Services

Imagine Southeast PCS is seeking competitive bids from a firm to provide Speech, Psychological, Occupational and Physical Therapy services to their site at 3100 Martin Luther King Jr. Ave. SE.

Proposals must include evidence of experience and references.

Imagine Southeast PCS reserves the right to cancel this RFP at any time.

Deadline for submission is close of business May 24, 2013.

Please e-mail proposals and supporting documentation to Melissa Winters at Melissa.winters@imageschools.com.

**KIPP DC PUBLIC CHARTER SCHOOL
NOTICE OF REQUEST FOR PROPOSALS**

Video Sharing and IT Equipment, FY2013

KIPP DC is seeking proposals for Video Sharing and IT Equipment. The Request for Proposals can be found at: <http://www.kippdc.org/about/procurement/>

The RFP for IT Equipment – IWBs, laptops and desktops is due no later than 5:00P.M., EST, May 10, 2013. The RFP for Video Sharing is due no later than 5:00 P.M., EST, May 24, 2013. No proposals will be accepted after the deadlines. If you have any questions, please do not hesitate to contact adam.roberts@kippdc.org.

MUNDO VERDE PCS
REQUEST FOR PROPOSALS

Underwriting, Placement and Advisory Services

Mundo Verde PCS is advertising the opportunity to bid on underwriting, placement, and advisory services. Proposals are due no later than 1:00 PM May 15, 2013.

Proposals may be obtained from:

Karl Jentoft
818 Connecticut Avenue, NW, Suite 1009, Washington, DC 20006
(202) 328-0760
Karl@TheTenSquareGroup.com

All bids not addressing all areas as outlined in the Request for Proposal will not be considered.

DISTRICT OF COLUMBIA OFFICE OF PLANNING**NOTICE OF FUNDING AVAILABILITY****Live Near Your Work Pilot Program**

The DC Office of Planning (OP) announces a Notice of Funding Availability (NOFA) for up to \$200,000 in matching homeownership grants, administered by qualified employer(s) based in the District of Columbia.

OP is seeking to partner with one to three DC-based employers to create a Live Near Your Work Pilot Program that will assist up to 60 employees to purchase homes in DC. Live Near Your Work is an employer-assisted housing program that provides a matching homeownership grant for down payment and closing cost assistance to help employees purchase a home near their place of employment and/or close to transit. Living closer to work offers benefits to the employee, employer and region: employees spend less time and money commuting, employers benefit from greater on time and work performance and reduced parking expenditures, DC benefits from vibrant neighborhoods and an expanded tax base, and the region benefits from reduced traffic congestion and air pollution.

As part of the program, OP will match a grant or deferred loan (up to \$8,000) made by an employer to an employee for the purchase of a home in DC. The home must be located near the employee's place of employment or transit. Employers will be selected via a competitive application process based on the ability to administer the Pilot Program, offer homebuyer education, and provide matching grants for their employees. Based on the success of the Pilot Program, future funding may become available to expand Live Near Your Work.

OP will issue a Request for Application (RFA) and select up to three employers (grantees) to implement a Live Near Your Work Program. The RFA will be available within two weeks on OP's website, www.planning.dc.gov, and the District Grants Clearinghouse at <http://opgs.dc.gov>. OP reserves the right to suspend or terminate the application process at anytime.

For more information, contact Art Rodgers at art.rodgers@dc.gov or Kimberly Driggins at kimberly.driggins@dc.gov, or call 202.442.7600.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD

NOTICE OF PUBLIC MEETING

The District of Columbia Public Charter School Board (PCSB) hereby gives notice of a public meeting where PCSB will render decisions on nine applications to create a charter school in the District of Columbia. The PCSB meeting will be held on Monday, May 20 at 7:00pm at Carlos Rosario International Public Charter School located at 1100 Harvard St NW. For further information or questions, please call Mustafa Nusraty at 202-328-2660. The applications for these proposed schools can be viewed at: <http://dcpcsb.org/School-Leaders/Start-a-Charter-School.aspx>.

	Applicant	Proposed Grades/ Ages Served	Educational Program	1st Year Grades/ No. of Students	Size at Capacity	Proposed Ward
1	Academy of Hope	Ages 18 and up	Adult Education	220 students	260 students	5 and 8
2	Nannie Helen Burroughs	Grades K-5	Elementary (At-risk students)	K- 2 / 131 students	279 students	7
3	Lee Montessori	Grades PK3-6	Elementary (Montessori)	PK-K / 70 students	200 students	TBD
4	Crossway Community DC Montessori	Grades 3-9	Elementary/Middle (Montessori)	PK3/ 70 students	210 students	6
5	New Pathways Academy	Grades 9-12	High School (Alternative)	9 / 110 students	350 students	TBD
6	Nexus Academy DC	Grades 9-12	High school (Blended-learning, college prep)	9-12/ grades 300 students	600 students	2
7	DC Voice Empowerment	Ages 3-22	High school & Early Childhood (Career and Technical Education)	PK3 & youth 14-22 years old	250 students	4
8	O.U.R. Leadership	Grades 9-12	High school (Non-traditional)	9-10/ 100 students	200 students	5 or 6
9	One World	Grades 5-8	Middle school (Extended)	5-8 grade / 100 students	300 students	4

DISTRICT OF COLUMBIA TAX REVISION COMMISSION**NOTICE OF PUBLIC MEETING**

The District of Columbia's Tax Revision Commission (the "Commission") will be holding a meeting on Monday, May 6, 2013 from 3:00 p.m. to 6:00 p.m. The meeting will be held at One Judiciary Square, 441 4th Street, NW, Room 1107, Washington, DC 20001. The agenda for the meeting is below.

For additional information, please contact Ashley Lee at (202) 478-9143 or Ashley.lee@dc.gov

AGENDA

- I. Call to Order**
- II. Approval of Minutes from April 15, 2013 Meeting**
- III. Business Income Tax**
- IV. Individual Income Tax**
- V. Commission Business**
- VI. Adjournment**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DC TAXICAB COMMISSION**

NOTICE OF GENERAL COMMISSION MEETING

The District of Columbia Taxicab Commission will hold its regularly scheduled General Commission Meeting on Wednesday, May 8, 2013 at 10:00 am. The meeting will be held in the Old Council Chambers at 441 4th Street, NW, Washington, DC 20001.

The final agenda will be posted no later than seven (7) days before the General Commission Meeting on the DCTC website at www.dctaxi.dc.gov.

Members of the public must register to speak. The time limit for registered speakers is five (5) minutes. A speaker should also submit two (2) copies of any prepared statement to the Assistant Secretary to the Commission. Registration to speak closes at 3:30 pm the day prior to the meeting. Contact the Assistant Secretary to the Commission, Ms. Mixon, on 202-645-6018, selection 4. Registration consists of your name; your phone number or email contact; and your subject matter.

DRAFT AGENDA

- I. Call to Order
- II. Commission Communication
- III. Commission Action Items
- IV. Government Communications and Presentations
- V. General Counsel's Report
- VI. Staff Reports
- VII. Public Comment Period
- VIII. Adjournment

TWO RIVERS PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS

Two Rivers 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 for the following service.

Two Rivers PCS is receiving bids for redesign and construction of new office areas for its existing middle school campus in Northeast Washington, DC. Project is to begin June 17, 2013 and be completed on or before August 2, 2013. Additional preference points given to firms that are Certified Business Enterprises with the DC Department of Small and Local Business Development.

For Additional Information and Statement of Work and RFP, E-Mail Doug Hollis at procurement@tworiverspcs.org. Phone calls are discouraged.
Deadline for submission is May 22, 2013, at 5pm.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Governance Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Governance Committee will be holding a meeting on Wednesday, May 8, 2013 at 9:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or لمانley@dcwater.com.

DRAFT AGENDA

- | | |
|--|---------------------------------|
| 1. Call to Order | Chairperson |
| 2. Government Affairs: Update | Government Relations
Manager |
| 3. Emerging Issues | Chairperson |
| 4. Agenda for Upcoming Committee Meeting (TBD) | Chairperson |
| 5. Adjournment | Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Human Resources and Labor Relations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Human Resources and Labor Relations Committee will be holding a meeting on Wednesday, May 8, 2013 at 11:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to the DC Water’s website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or lmanley@dcwater.com.

DRAFT AGENDA

- | | | |
|----|----------------|-----------------------|
| 1. | Call to Order | Committee Chairperson |
| 2. | HR Updates | Committee Chairperson |
| 3. | Other Business | Committee Chairperson |
| 4. | Adjournment | Committee Chairperson |

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

Order No. 18472-A of Application No. 18472 of Excel Academy, D.C. Public Charter School, Motion for Reconsideration of Condition Number One to Order No. 18472, pursuant to § 3126 of the Zoning Regulations.

The original application was pursuant to 11 DCMR § 3103.2, for a variance to reduce the off-street parking requirements under § 2101.1, for a school in the R-5-A District at premises 2501 through 2553 Martin Luther King, Jr., Avenue, S.E. (Square 5862, Lot 960).

HEARING DATE (original application):	December 18, 2012
DECISION DATE (original application):	December 18, 2012
FINAL ORDER ISSUANCE DATE (original application):	December 27, 2012
MOTION ON RECONSIDERATION DECISION: (granted)	February 12, 2013
HEARING DATE:	March 12, 2013
DECISION DATE:	March 26, 2013

**SUMMARY ORDER ON MOTION FOR RECONSIDERATION OF CONDITION
NUMBER 1 TO ORDER NO. 18472**

Background.

On December 18, 2012, the Board of Zoning Adjustment (the “Board” or “BZA”) approved the application of Excel Academy, D.C. Public Charter School (the “Applicant”). The Applicant’s original request was pursuant to 11 DCMR § 3103.2, for a variance to reduce the off-street parking requirements under § 2101.1, for a school in the R-5-A District at premises 2501 through 2553 Martin Luther King, Jr., Avenue, S.E. (Square 5862, Lot 960).

BZA Order No. 18472, approving the original request, was issued December 27, 2012. (Exhibit 34.) As approved in BZA Order No. 18472, the application was granted subject to 15 conditions, including Condition No. 1 which placed a term of three years from the beginning of the 2013-2014 school year on the variance approval.

Request for Reconsideration

On January 9, 2013, the Applicant filed a request for reconsideration of Condition No. 1 in Order No. 18472 pursuant to § 3126.4 of the Zoning Regulations. The Applicant requested that the Board reconsider placing any term limit on the school and asked it to remove the condition altogether, or in the alternative, if it chose to keep a term limit in place, to place a term limit of at least 10 years on the school’s approval in Order No. 18472 in place of the current term of three years.

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Pursuant to § 3126.3, any motion for reconsideration must be served upon all other parties to the case. The record indicates that the request for reconsideration was served on all of the parties to the case: the Office of Planning (“OP”) and Advisory Neighborhood Commission (“ANC”) 8C, the affected ANC. (Exhibit 36.)

Pursuant to § 3126.5, within seven days after the motion for reconsideration has been filed and served, any other party may file an answer in opposition or in support of the motion. No answers to the motion were filed by any of the parties.

The motion makes several arguments against imposing a term of three years on the variance approval. The Applicant stated that imposing such a short time limit would severely negatively impact the cost of the capital needed to make the necessary physical improvements to the school. Also, the Applicant indicated that it would adversely impact future school enrollment if parents were unsure how long the school would be in existence when choosing where to enroll their children because they would not want to have to change schools as their child went from the elementary grades through high school. The motion noted that as a publicly funded charter school, the Applicant’s resources are limited and any strain on its resources, such as those described, could significantly hinder its mission. The motion argued that imposing a term will impose a significant financial burden on the Applicant, and, because the imposition of a term was not addressed during the hearing, the Applicant did not have the opportunity to demonstrate to the Board the existence and effect of this financial burden. The Applicant requested that before the Board imposes a time limit, it allow the Applicant an opportunity to address why it would have severe detrimental implications for the operations of the Applicant’s public charter school. (Exhibit 36.)

Deliberations at Public Meeting on February 12, 2013

The Board put the motion for reconsideration on its agenda for its February 12, 2013 public meeting. At the February 12, 2013 public meeting, the Board deliberated on the Applicant’s request to reconsider Condition No. 1 to Order No. 18472 (the “Order”). The Board disagreed with the Applicant’s request to remove a term limit altogether. The Board found no error when it deliberated on and set a term limit in the original Order. The Board expressly found that the matter of a term limit had been discussed on the record by OP during the first hearing and that a term limit was appropriate in this case.

Nonetheless, the Board, by consensus, granted the Applicant’s request for reconsideration to reconsider the term limit condition. The Board scheduled a limited hearing on the matter for March 12, 2013, and requested that the Applicant provide additional information to substantiate its request to eliminate or expand the term limit in the Order. In particular, the Board asked that the Applicant provide projections for the number of students and staff growth over time.

Supplemental Information and Hearing on March 12, 2013

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The Applicant supplemented the record on February 26, 2013, with a group of letters which clarified the difficulties the Applicant would face should the term limit remain set at three years. The Applicant's submission included three letters: one from the school's administrator citing the difficulties the school would encounter in achieving its mission with a three-year time limit, a letter from an interested parent stating the importance of stability in choosing a school and the detrimental effect a time limit would have on that stability, and the third letter from a bank executive concerning the difficulties in providing financing to the Applicant's school if the three-year time limit remained intact.

The school administrator's letter stated that the school had grown to 515 students (preschool through 4th Grade) over the school's first five years, adding about 125 students each year of its existence. The school administrator explained that the school had been in ongoing negotiations with the Applicant's current landlord to assume the lease directly with the District of Columbia Public Schools and that an essential component of the lease assumption would be for the Applicant to pay for the renovations made thus far to the building by the landlord. The school administrator further noted that parents wanted stability and reassurance that the school will continue to exist long enough for their children to complete the curriculum so they will not have to change schools. She stated that the school's mission and existence would be jeopardized if it became unable to enroll a sufficient number of children, potentially leading some parents not to send their children if the school's future existence was only guaranteed for three years. Consequently, the Applicant requested that the term limit be either eliminated or lengthened. (Exhibit 39.)

At the March 12th public hearing, the Board reviewed the Applicant's supplemental submissions and heard testimony from the Applicant and OP about the Applicant's request to eliminate or expand the three-year term limit. At the end of the hearing, the Board scheduled the matter for decision at a public meeting on March 16, 2013, to allow the Applicant time in which to provide additional information requested by the Board. The Board asked the Applicant to provide projections regarding student and staff growth over time, including more specificity about the number of provided parking spaces. The Board also requested that OP provide a final analysis of the Applicant's supplemental information, including those projections.

Additional Supplemental Information

The Applicant submitted the additional requested information on March 19, 2013. The Applicant provided a projection of the number of students and staff, by year, for the next 10 years and described the planned growth of the school. The Applicant's March 19th filing indicated that the school is not expected to reach its maximum staff capacity of 162 until the 2021-2022 school year. The Applicant stated that the school will provide 48 zoning-compliant marked parking spaces on-site and 27 attendant-assisted spaces on-site and 15 spaces leased from the church across the street, for a total of 90 spaces, which was what was approved in Order No. 18472. The Applicant also stated that it expects to be

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able to expand the number of spaces on-site once it completes renovations to the building and that the renovations will result in a minimum of 75 on-site parking spaces. In response to OP's inquiries about the number of additional spaces that the school has the option to lease from the church, the Applicant indicated that the school has an option to lease additional spaces, but has not as yet discussed the number of additional spaces it might need with the church since the school does not need more at present. The Applicant added that should additional spaces become needed, it believes that any such number would be small and the Applicant has the option to lease additional spaces from the church, as necessary, in the future. Given its plan for growth, the Applicant noted that the TDM program under the approved variance will not be able to be effectively assessed until after 2020 because the required parking ratio will not have been satisfied until then. Consequently, the Applicant urged the Board, if it was to keep a term limit, to extend the term for a time when the school has reached full staff capacity. (Exhibit 41.)

At the Board's request, OP also submitted a supplemental report, dated March 22, 2013, with additional analysis of the Applicant's supplemental information. OP noted that the original traffic analysis prepared for the Applicant by its traffic engineers in 2012 indicated that the Applicant's school would increase its staff employment to 162 in three years, not the nine years described in the supplemental report. Even so, based on the new projections, OP said it now believes that the total of 90 available parking spaces would leave no significant deficits until a seven-space deficit in the 2019-2020 school year. Therefore, OP recommended changing the approved term of three years to seven years, to end in the 2019-2020 school year and to add a condition setting the maximum number of school teachers and staff to 162. (Exhibit 43.)

The OP supplemental report included a supplemental report, dated March 22, 2013, from the District Department of Transportation ("DDOT"). DDOT requested the addition of other conditions to the previous Order whereby the Applicant would be required to complete a full trip generation and mode split analysis of the existing conditions under both schools co-located on site before the end of the 2012-2013 school year, to maintain the same site trip generation presently existing for the site when the school reaches its maximum staff capacity of 162, and to provide reporting to DDOT every two years on the school's trip generation and mode split rates for a period up to two years after the school reaches its maximum staff capacity of 162. DDOT's position continued to remain that the school should generate no more vehicle trips than it currently does at present on the site. (Exhibit 43.)

Deliberations at Public Meeting on March 26, 2013

The Board deliberated the merits of the Applicant's Motion for Reconsideration at its public meeting on March 26, 2013. The Board determined that it would keep a term limit on the approval. As in *Motion for Reconsideration of St. Paul's Episcopal Church*, BZA Order 18138-A, the Board found that "a term limit allows the Board to 'hedge its bets' that its prediction of no adverse impacts, or that predictable adverse impacts can be mitigated, will prove correct."

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At the March 26th meeting, the Board decided that the term limit should be eight¹ years instead of the three years that it set in the original Order based on the Applicant's and OP's supplemental material provided for the record. The Board found that it will take at least eight academic years before the Applicant will reach its maximum staff capacity. Also, the Board found that if the maximum number of teachers and staff remained 162, that number would not be expected to be reached until at least the 2020-2021 school year.

After reviewing DDOT's supplemental information, the Board further clarified that it would specify that the Applicant would be required to complete trip generation and mode split analysis of existing conditions at both of the Applicant's co-locations and site for the 2012-2013 school year and each year thereafter, and maintain the same trip generation that exists at present for the site when the school reaches its maximum staff capacity. The Board decided to add these additional requirements to the existing condition regarding the monitoring of trip generation and mode splits and annual reporting requirements to DDOT. The Board also added a condition requiring the Applicant to continue to provide to DDOT a trip generation and mode rate for at least two years after the Applicant reaches its maximum staff capacity. Another condition was added by the Board that if at any time the trip generation and mode split differs from what the Applicant's filings in the record have shown or from what DDOT has approved, the Applicant would be required to report that information to DDOT and institute whatever reasonable remedial measures DDOT imposes.

Great Weight

The Board is required to give "great weight" to issues and concerns raised by the affected ANC and to the recommendations made by OP. (D.C. Official Code §§ 1-309.10(f) and 6-623.04 (2001).) Great weight means acknowledgement of the issues and concerns of these two entities and an explanation of why the Board did or did not find their views persuasive.

OP was in favor of the original application and recommended approval of the requested areas of relief, subject to adoption of Transportation Demand Management ("TDM") and parking strategies. (Exhibit 27.) In its original report, OP described that it thought it would take three years for the Applicant to reach its maximum staff capacity of 162. At the hearing on the original application, OP raised the issue of a recommended term limit, and, having giving OP's recommendations great weight, the Board adopted as Condition No. 1 for a term of three years. Based on its analysis of the Applicant's supplemental filings in its motion for reconsideration, particularly those regarding the Applicant's projections of its staff growth over a 10-year period, OP revised its recommendation of approval from that for a three-year term to one for a seven-year term. (Exhibit 43.) The

¹ There were some discrepancies in the record between calling for either a seven-year term or an eight-year term, but ultimately, during deliberations at the public meeting on March 26th, the Board clarified that it wanted a term that would end at the completion of the 2021-2022 academic year, which meant that it asked for a eight-year term beginning in the 2013-2014 school year.

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Board gave that recommendation great weight and ultimately adopted an eight-year term so that the term would end at the 2021-2022 academic year when the maximum staff capacity would have been reached and the TDM measures could be properly evaluated.

ANC 8C is the ANC within which the subject property is located. ANC 8C was properly notified of the filing of this application (Exhibit 16) and also properly notified of the date of the hearing on the application (Exhibit 21). The Chair of the ANC submitted an undated letter in support of the application. The letter indicated that while the Applicant presented its application at a duly noticed, regularly scheduled ANC meeting on December 5, 2012, no quorum was present and no vote taken.² (Exhibit 26.) The Chair of the ANC also was present and testified at the hearing in support of the original application. The Applicant served ANC 8C with its Motion for Reconsideration (Exhibit 36), but the ANC did not participate on the proceedings on reconsideration; therefore, there is nothing to which the Board can accord great weight.

Conclusion

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 § 3126, for a reconsideration of Condition No. 1 previously approved by the Board in BZA Case No. 18472. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

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. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application for reconsideration of Condition No. 1 in Order No. 18472 is hereby **GRANTED, AND CONDITIONS NO. 1, 7, and 11 ARE REVISED AND A NEW CONDITION NO. 16 IS ADDED TO READ AS FOLLOWS:**

1. Approval shall be for a period of **EIGHT YEARS** from August 20, 2013.
7. The Applicant shall monitor the progress of the TDM program and report to the District Department of Transportation (DDOT), on an annual basis, the results of trip generations and modal splits of the employees and students, including a:
 - A. Trip generation and modal split analysis of existing conditions for both schools co-located on the site for the 2012-2013 school year; and

² As no quorum was present nor a vote taken, the letter did not meet the requirements for the ANC to receive great weight.

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- B. Trip generation and modal split analysis for a period up to two years after Excel reaches their maximum staff capacity.

The Applicant shall implement reasonable remedial measures imposed by DDOT if there is a discrepancy in the trip generation and modal split numbers contained in the Applicant's modal split analysis of existing conditions, or from what DDOT has approved.

11. The Applicant shall maintain the same site trip generation existing today for when Excel reaches maximum staff capacity of 162.
16. The maximum number of teachers and staff shall be 162.

In all other respects Order No. 18472 remains unchanged.

VOTE: **4-0-1** (Lloyd J. Jordan, Nicole C. Sorg, Jeffrey L. Hinkle, and Peter G. May to APPROVE; S. Kathryn Allen, not present, not voting.)

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

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

FINAL DATE OF ORDER: April 29, 2013

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.

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

Application No. 18527 of Jill and Blaise Marion, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a special exception under § 2516.1, a variance from the nonconforming structure provisions under § 2001.3, a variance from the rear yard requirements under § 404, and a variance from the off-street parking requirements under § 2101.1, to permit two principal buildings on a single subdivided lot in the R-4 District at premises 1116 K Street, N.E. (Square 980-N, Lot 7).

HEARING DATE: April 2, 2013

DECISION DATE: April 23, 2013

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum, dated December 10, 2010, from the Zoning Administrator, which stated that Board of Zoning Adjustment (“Board” or “BZA”) approval is needed for variances from the requirements of §§ 2001.3, 404.1, and 2101.1 and a special exception under § 2516.1, pursuant to 11 DCMR §§ 3104.1 and 3103.2. (Exhibit 5.)

The Board of Zoning Adjustment (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 the Applicant, Advisory Neighborhood Commission (“ANC”) 6A, and to all owners of property within 200 feet of the property that is the subject to this application. The subject property is located within the jurisdiction of ANC 6A, which is automatically a party to this application. ANC 6A submitted a letter in support of the application, dated March 20, 2013, which indicated that at a duly noticed, regularly scheduled meeting on March 14, 2013, with a quorum present, the ANC voted 7:0:0 to approve the application and the requested relief. (Exhibit 29.)

The Office of Planning (“OP”) submitted a timely report dated March 14, 2013, recommending approval of the application except for the relief from the nonconforming structure requirements under § 2001.3 for the proposed third floor. (Exhibit 27.)

The District Department of Transportation submitted a letter of “no objection” for the record. (Exhibit 22.)

At its public hearing on April 2, 2013, the Board completed public testimony, closed the record for all but the material it requested, and scheduled a public meeting for its deliberations and decision on April 23, 2013. The Board requested the Applicant provide additional documentation of the design context of the existing houses on Florida Avenue relative to the proposed roof design and to provide another narrative explaining how the application meets the burden of proof for the variance relief from nonconforming

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structures under § 2001.3. The Board also allowed responses to the Applicant's supplemental filings by OP and ANC 6A. The Applicant filed a supplemental statement with the requested information including an additional burden of proof on April 12, 2013. (Exhibit 33.) OP filed its response to the additional information on April 18, 2013. (Exhibit 34.)

Three letters of support by neighbors were submitted for the record by Alvin and Angelia Rice, 1100 K Street, N.E.; Shyneisa Cooper, 1120 K Street, N.E.; and Eugene Lyons, 1114 K Street, N.E. (Exhibit 24.) A petition for the restoration of 1109 Florida Avenue was submitted for the record with 30 signatures from neighbors. (Exhibit 8.) The Capitol Hill Restoration Society submitted a letter of support with the proviso the order specifically state that neither building may have another residential unit. (Exhibit 30.)

Variance Relief

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary under § 3103.2, to establish the case for variances from the nonconforming structure provisions under § 2001.3, the rear yard requirements under § 404, and the off-street parking requirements under § 2101.1. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proving under 11 DCMR § 3103.2 that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested 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.

Special Exception Relief

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception under § 3104.1 from the strict application of the regulations pertaining to building lot control in a Residence District under § 2516.1. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1 and 2516.1, 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

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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 requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO THE PLANS AT EXHIBIT 9.**

VOTE: **5-0-0** (Lloyd J. Jordan, Nicole C. Sorg, S. Kathryn Allen, Jeffrey L. Hinkle, and Marcie I. Cohen (by absentee ballot) to Approve.)

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

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

FINAL DATE OF ORDER: April 25, 2013

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 PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

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. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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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. 18534 of Dean Street Mews LLC, pursuant to 11 DCMR § 3103.2, for a variance from the lot area and lot width requirements under § 401.3, and a variance from the side yard requirements under § 405, to allow the construction of two semi-detached dwellings in the R-2 District at premises 4601 and 4603 Grant Street, N.E. (Square 5145, Lots 10 and 11).

HEARING DATE: April 23, 2013

DECISION DATE: April 23, 2013

SUMMARY ORDER

SELF-CERTIFIED

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

The Board of Zoning Adjustment (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 the Applicant, Advisory Neighborhood Commission ("ANC") 7C, and to all owners of property within 200 feet of the property that is the subject to this application. The subject property is located within the jurisdiction of ANC 7C, which is automatically a party to this application. ANC 7C submitted a letter in support of the application, dated April 17, 2013, which indicated that at a duly noticed, regularly scheduled public meeting on April 11 13, 2013, with a quorum present, the ANC voted unanimously (6:0) to approve the application. The ANC report stated that their support was conditioned on the Applicant's ensuring a clean and safe work area and keeping the lot and abutting public property clean and free of construction debris to the greatest extent possible. (Exhibit 29.) The Board noted the ANC's concerns but found that the matter of construction debris clean-up was not properly under the Board's jurisdiction.

The Office of Planning ("OP") submitted a timely report dated April 15, 2013, which did not make a recommendation but was supportive in its analysis of the application. (Exhibit 25.) At the hearing OP clarified that they supported the application. The District Department of Transportation ("DDOT") submitted a letter of "no objection" to the record. (Exhibit 22.)

A letter of support for the application was submitted for the record by a neighbor, Nathaniel Swindler, who owns and occupies 4611 Grant Street, N.E. (Exhibit 28.)

Another neighbor, Eloise A. Harris, submitted a letter of opposition. Ms. Harris raised objections to a lack of fences, trash, and added street traffic because Grant Street has become a two-way street. (Exhibit 24.) While acknowledging Ms. Harris' concerns, the

BZA APPLICATION NO. 18534**PAGE NO. 2**

Board found that her objections were not directly on point with the zoning relief being requested, and thus did not warrant conditions to this order.

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary under § 3103.2, to establish the case for variances from the lot area and lot width requirements under § 401.3 and from the side yard requirements under § 405. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proving under 11 DCMR § 3103.2 that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO THE PLANS AT EXHIBIT 9.**

VOTE: **5-0-0** (Lloyd J. Jordan, Nicole C. Sorg, S. Kathryn Allen, Jeffrey L. Hinkle, and Robert E. Miller to Approve.)

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

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

FINAL DATE OF ORDER: April 24, 2013

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 PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION

BZA APPLICATION NO. 18534**PAGE NO. 3**

PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

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. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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. 18535 of Joel Starr and Melissa Moye, pursuant to 11 DCMR § 3104.1, for a special exception under section 223, not meeting the side yard requirements (section 405), for a rear addition to an existing one-family row dwelling in the R-2 District at premises 3411 Quebec Street, N.W. (Square 2063, Lot 87).

HEARING DATE: April 23, 2013

DECISION DATE: April 23, 2013

SUMMARY ORDER

SELF-CERTIFIED

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

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 3C, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3C, which is automatically a party to this application. ANC 3C submitted a report of no objection to the application. The Office of Planning (“OP”) submitted a report and testified at the hearing in support of the application. The Board received a letter of no objection from the Department of Transportation.

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

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

Pursuant to 11 DCMR § 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 10 - Plans) be **GRANTED**.

VOTE: **5-0-0** (Nicole C. Sorg, Robert E. Miller, Lloyd J. Jordan, S. Kathryn Allen and Jeffrey L. Hinkle to APPROVE.

BZA APPLICATION NO. 18535

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

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

FINAL DATE OF ORDER: April 23, 2013

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 PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

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. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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. 18537 of John Merrick and Heather Phillips, pursuant to 11 DCMR § 3104.1, for a special exception under section 223, not meeting the lot occupancy (section 403), side yard (section 405) and nonconforming structure (subsection 2001.3) requirements for an addition to an existing one-family semi-detached dwelling in the R-4 District at premises 525 5th Street, S.E. (Square 822, Lot 825).

HEARING DATE: April 23, 2013

DECISION DATE: April 23, 2013

SUMMARY ORDER

SELF-CERTIFIED

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

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 6B, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. ANC 6B submitted a letter in support of the application. The Office of Planning (“OP”) submitted a report and testified at the hearing in support of the application. The Board received a letter of no objection from the Department of Transportation. The Capitol Hill Restoration Society submitted a letter in support of the application.

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

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

Pursuant to 11 DCMR § 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 9 - Plans) be **GRANTED**.

BZA APPLICATION NO.18537

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VOTE: **5-0-0** (Lloyd J. Jordan, S. Kathryn Allen, Nicole C. Sorg, Robert E. Miller and Jeffrey L. Hinkle to APPROVE.)

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

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

FINAL DATE OF ORDER: April 23, 2013

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 PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

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. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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. 18538 of TC MidAtlantic Development IV Inc., on behalf of PNC Realty Investors, pursuant to 11 DCMR § 3103.2, for a variance from the court width requirements under § 776, to allow the construction of a new office building in the C-3-C District at premises 400 6th Street, S.W. (Square 494, Lot 31).

HEARING DATE: April 23, 2013

DECISION DATE: April 23, 2013

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case is self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 6.)

The Board of Zoning Adjustment (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 the Applicant, Advisory Neighborhood Commission ("ANC") 6D, and to all owners of property within 200 feet of the property that is the subject to this application. The subject property is located within the jurisdiction of ANC 6D, which is automatically a party to this application. ANC 6D submitted a Form 129 – ANC Report and accompanying letter in support of the application, dated April 9, 2013, which indicated that at a duly noticed, regularly scheduled meeting on April 8, 2013, with a quorum present, the ANC voted unanimously (7:0) to approve the application. (Exhibit 25.)

The Office of Planning ("OP") submitted a timely report dated April 16, 2013, recommending approval of the requested relief. (Exhibit 26). The District Department of Transportation ("DDOT") submitted a letter of "no objection" to the record. (Exhibit 27.)

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary under § 3103.2, to establish the case for a variance from the court width requirements under § 776. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proving under 11 DCMR § 3103.2 that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially

BZA APPLICATION NO. 18538**PAGE NO. 2**

impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO THE REVISED PLANS AT EXHIBIT 24C.**

VOTE: **5-0-0** (Lloyd J. Jordan, Nicole C. Sorg, S. Kathryn Allen, Jeffrey L. Hinkle, and Robert E. Miller to Approve.)

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

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

FINAL DATE OF ORDER: April 24, 2013

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 PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

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. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

BZA APPLICATION NO. 18538**PAGE NO. 3**

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. 18547 of Curtis Investment Group, pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under § 2101.1, to allow the occupancy of an existing warehouse by the Anacostia Playhouse in the C-M-1 District at premises 2020 Shannon Place, S.E. (Square 5772, Lot 984).

HEARING DATE: April 23, 2013¹

DECISION DATE: April 23, 2013

SUMMARY ORDER

SELF-CERTIFIED

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

The Board of Zoning Adjustment (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 the Applicant, Advisory Neighborhood Commission ("ANC") 8A, and to all owners of property within 200 feet of the property that is the subject to this application. The subject property is located within the jurisdiction of ANC 8A, which is automatically a party to this application. ANC 8A submitted a letter on April 23, 2013, in support of the application.² (Exhibit 29.)

The Office of Planning ("OP") submitted a timely report dated April 16, 2013, recommending approval of the application. (Exhibit 26). The District Department of Transportation ("DDOT") did not submit a letter; however, OP's representative at the hearing testified that OP had spoken to DDOT and that DDOT was in support of the application.

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

¹ The Office of Planning recommended an expedited hearing for the application to avoid unnecessary in the construction and opening of a new small business (playhouse). (Exhibit 5.)

² The ANC report was untimely filed. The Board waived its time requirements to admit the ANC's letter into the record. However, the Board did not grant the ANC's letter great weight because the eligibility requirements were not met.

BZA APPLICATION NO. 18547**PAGE NO. 2**

Based upon the record before the Board, and having given great weight to the OP report filed in this case, the Board concludes that the Applicant has met the burden of proving under 11 DCMR § 3103.2 that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO THE REVISED PLANS AT EXHIBIT 6.**

VOTE: **5-0-0** (Lloyd J. Jordan, Robert E. Miller, Nicole C. Sorg, S. Kathryn Allen, and Jeffrey L. Hinkle, to Approve.)

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

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

FINAL DATE OF ORDER: April 24, 2013

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 PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

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

BZA APPLICATION NO. 18547**PAGE NO. 3**

BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 06-40C
(Gateway Market Center, Inc. – PUD Modification for 340 Florida Avenue, N.E.
(Square 3587, Lot 8)
April 25, 2013

THIS CASE IS OF INTEREST TO ANC 5D and 6C

On April 18, 2013, the Office of Zoning received an application from Gateway Market Center, LLC (the “Applicant”) for approval of a modification to a planned unit development (“PUD”) for the above-referenced property.

The property that is the subject of this application consists of Lot 8 in Square 3587 in Northeast Washington, D.C. (Ward 5), which is located at 340 Florida Avenue, N.E. Through a PUD-related map amendment, the property is zoned C-3-C for the purposes of this project. The previously approved project is a mixed-use residential, office, retail structure with a density of 7.7 floor area ratio (“FAR”) and a height of approximately 119 feet. Due to issues of financing and the economic climates, the Applicant is now proposing to eliminate the office use component and increase the number of residential units, and to reduce the size of the building to a density of approximately 4.8 FAR and a height of 80 feet.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://.dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 13-07
(Map Amendment @ Squares 5081)
April 26, 2013

THIS CASE IS OF INTEREST TO ANC 7D

On April 19, 2013, the Office of Zoning received a petition from David P. Belt (the "Petitioner") for approval of a map amendment for the above-referenced property.

The property that is the subject of this petition consists of lots 0014, 0015, 0022, 0052, 0804, 0805, and 0806 in Square 5081 in Northeast Washington, D.C. (Ward 7), which are located at 3930-3962 Benning Road, N.E. The properties are currently zoned C3-A. The Petitioner proposes a map amendment to rezone the property to R-1-B. The petitioner is seeking to change the zoning to a category that is consistent with the existing development of the properties, which is the detached single-family dwelling.

C-3-A Zone District – permits matter-of-right medium-density development, with a density incentive for residential development within a general pattern of mixed-use development to a maximum lot occupancy of 75% for residential use and 100% for all other uses; a maximum density of 4.0 floor area ratio ("FAR") for residential and 2.5 FAR for other permitted uses; and a maximum height of 65 feet. Rear yard requirements are twelve feet; one-family detached dwellings and one-family semi-detached dwellings side yard requirements are eight feet.

R-1-B Zone District – permits matter-of-right development of single-family residential uses for detached dwellings with a minimum lot width of 50 feet for residential, churches, and public recreation and community centers and 120 feet for schools; a minimum lot area of 5,000 square feet for residential, churches, and public recreation and community centers and 15,000 square feet for schools; a maximum lot occupancy of 60% for a church or public school use, 20% for public recreation and community centers, and 40% for all other structures; and a maximum height of three stories/40 feet (60 feet for churches and schools and 45 feet for public recreation and community centers). Rear yard requirements are 25 feet; side yard requirements are eight feet.

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

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