



***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- DC Council schedules a public hearing on the District of Columbia Primary Date Alteration Amendment Act of 2013
- Department of Mental Health provides a supported employment program designed for consumers with significant mental health diagnoses
- District of Columbia Taxicab Commission proposes rules to establish a uniform color scheme for taxicabs in the District of Columbia
- Zoning Commission for the District Of Columbia proposes rules to apply Green Area Ratio (GAR) standards to building permit applications
- Office of Aging announces funding availability for the East of the River Aging In Place Program and the Senior Transportation Services Program

# DISTRICT OF COLUMBIA REGISTER

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## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

20-1

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 8, 2013

To recognize SisterMentors for its 15 years of service to the District of Columbia and beyond.

WHEREAS, SisterMentors is a project of EduSeed, a nonprofit organization that promotes education among historically disadvantaged and underserved communities, particularly women and people of color;

WHEREAS, SisterMentors was founded in 1997 as a community of highly motivated women of color of different races, ethnicities, and backgrounds who came together to help each other complete graduate work, especially writing dissertations and ultimately obtaining doctorate degrees;

WHEREAS, SisterMentors expanded in 2001 to mentor girls of color in elementary, middle, and high schools in the Washington, D.C. area;

WHEREAS, the majority of SisterMentors participants are the first in their families to earn an advanced degree or a doctorate;

WHEREAS, SisterMentors has helped 42 women of color to earn doctorates in many disciplines, including in math, science, and economics, over the past 15 years;

WHEREAS, SisterMentors are from an array of universities, including George Washington University and Howard University;

WHEREAS, SisterMentors has helped 19 young women of color get accepted to and attend college, including Duke University and Virginia Commonwealth University; and

WHEREAS, some of the women helped by SisterMentors have advanced to earn tenured teaching positions at universities in the area, including Catholic University in the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "SisterMentors Recognition Resolution of 2013".

Sec. 2. The Council of the District of Columbia recognizes SisterMentors for its service to the District of Columbia community and dedication to expanding access to educational opportunities for all women.

**ENROLLED ORIGINAL**

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

20-2

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 8, 2013

To recognize and honor Doug Williams' 35 years of contributions to the sport of football, and to mark the 25<sup>th</sup> anniversary of his Most Valuable Player performance as the first African-American quarterback to start in a Super Bowl game and to win a Super Bowl when the Washington Redskins defeated the Denver Broncos in Super Bowl XXII.

WHEREAS, as a college athlete at Grambling State University in 1977, Doug Williams led the nation in touchdown passes (38) and passing yards (3,286);

WHEREAS, Mr. Williams was named an All-American quarterback by the Associated Press and placed fourth in the Heisman Trophy voting;

WHEREAS, Mr. Williams was named the Black College Player of the Year twice, with NCAA career records in passing yards (8,411), total offense yards (8,354), and touchdown passes (93);

WHEREAS, Mr. Williams was selected 17<sup>th</sup> overall in the first round of the 1978 National Football League Draft by the Tampa Bay Buccaneers;

WHEREAS, the Tampa Bay Buccaneers as a franchise had never advanced to the playoffs until Williams arrived;

WHEREAS, in 3 out of the next 4 seasons, the Buccaneers made playoff appearances, and in 1979 they played in the NFC Championship game.

WHEREAS, Mr. Williams joined the USFL and played with the Oklahoma Outlaws, who later became the Arizona Outlaws, for 4 seasons until the league disbanded in 1986.

WHEREAS, Mr. Williams returned to the NFL in 1986 and signed with the Washington Redskins, and in 1988, during Super Bowl XXII, Mr. Williams led the Redskins to score 42 unanswered points, including a record-breaking 35 points in the second quarter, and setting several other Super Bowl records.

**ENROLLED ORIGINAL**

WHEREAS, in Super Bowl XXII, as the Redskins routed the Denver Broncos 42-10, Mr. Williams completed 18 of 29 passes for 340 yards and 4 touchdowns and was named Super Bowl MVP.

WHEREAS, in 1997, Mr. Williams returned to Grambling as head football coach, succeeding the legendary Eddie Robinson;

WHEREAS, Mr. Williams' Grambling team went 10-2 in 2000, 11-1 in 2001, and won the championship of the Southwestern Athletic Conference both years;

WHEREAS, Mr. Williams rejoined the Buccaneers as a personal executive and in 2009 was promoted to the director of professional scouting; and

WHEREAS, on June 21, 2010, it was announced that Mr. Williams would become General Manager of the Norfolk expansion franchise in the United Football League.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Doug Williams Recognition Resolution of 2013".

Sec. 2. The Council of the District of Columbia recognizes and honors Doug Williams for his contribution to sports, health, and fitness, and his commitment to the District of Columbia community.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20- 3

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To recognize and honor the retiring Commissioners from the Advisory Neighborhood Commission (ANC 2F) for their combined service to the Logan Circle community of 18 years, and for their leadership, commitment, and service to the citizens of the District of Columbia.

WHEREAS, ANC 2F Commissioners Charles Reed (2F01), Mike Bernardo (2F06), Sam Goekjian (2F03), and Nick Barron (2F02) have a combined service to the Logan Circle community of 18 years;

WHEREAS, Commissioners Charles Reed (ANC 2F01), Mike Bernardo (ANC 2F06), Sam Goekjian (ANC 2F03), and Nick Barron (ANC 2F02) are retiring voluntarily and make up the majority of ANC 2F;

WHEREAS, Charles Reed, who served as Chairman, has lived in Logan Circle since 1975, began his service to the community on the Mayor’s Task Force Against Prostitution, and brought the experience he gained as a Supreme Court law clerk and partner at his law firm to ANC 2F;

WHEREAS, Mike Bernardo served as Chairman of ANC 2F, chaired the Community Development Committee, and has lived in Logan Circle for 15 years;

WHEREAS, Sam Goekjian, served as ANC 2F Treasurer and, after getting his law degree from Harvard, moved to Washington, D.C. in 1958; and

WHEREAS, Nick Barron has lived in the Logan Circle Community since 2009.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “ANC2F Commissioners Charles Reed, Mike Bernardo, Sam Goekjian, and Nick Barron Recognition Resolution of 2013”.

**ENROLLED ORIGINAL**

Sec. 2. The Council of the District of Columbia recognizes and honors Charles Reed, Mike Bernardo, Sam Goekjian, and Nick Barron for their outstanding service, stellar leadership, and unwavering commitment to the citizens of the District of Columbia.

Sec. 3. This resolution shall take effect upon the first date of publication in the District of Columbia Register.



## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

20-4

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To recognize the Chinese community in the District of Columbia for its generous and valued contributions to the social, cultural, and political life of the city, to honor the Chinese Consolidated Benevolent Association for its sponsorship of the parade to celebrate the Year of the Snake, and to declare February 10, 2013 as “Chinese Lunar New Year 4711, Year of the Snake Day” in the District of Columbia

WHEREAS, Chinese people have lived in the District of Columbia as a community since 1884, when nearly 100 immigrants settled near 3<sup>rd</sup> Street and Pennsylvania Avenue, N.W., and remained until 1935, when the settlement area moved to its current location along H Street, N.W., which is commonly known as “Chinatown”;

WHEREAS, today there are more than 40 Chinese businesses and some 1,000 Chinese residents in Chinatown, which serves as the center of health care, dining, and shopping for the 40,000 Chinese residents in the Washington, D.C. metropolitan area;

WHEREAS, Chinatown is a unique cultural and social center for the District, providing visitors with a taste of Chinese culture;

WHEREAS, the District of Columbia’s commitment to the Chinese community continues as the government strives to improve services for the Chinese community through the establishment of the Office on Asian and Pacific Islander Affairs, the Metropolitan Police Department’s Asian Liaison Unit in Chinatown, and the Chinatown Community Cultural Center, which we salute;

WHEREAS, thousands of District of Columbia residents will gather along H and 7<sup>th</sup> Streets, N.W., on Sunday, February 10, 2013, to enjoy the dragon-led parade and celebrate the Chinese Lunar New Year;

WHEREAS, the annual anniversary celebration and parade for the Chinese Lunar New Year, sponsored by the Chinese Consolidated Benevolent Association, is nationally known as one of the finest celebrations of color, art, and pageantry; and

WHEREAS, the Chinese Community welcomes our neighbors, the Verizon Center, the Convention Center, Gallery Place, and many others whose partnerships promote and enhance the economic, social, and cultural opportunities for the residents of Washington, D.C., to achieve the vision and objectives set forth in the Downtown Comprehensive Plan for a living downtown.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Chinese Lunar New Year 4711, Year of the Snake Recognition Resolution of 2013"..

Sec. 2. The Council of the District of Columbia salutes the Chinese community of the District of Columbia and the Chinese Consolidated Benevolent Association for its many contributions to the social, economic, cultural, and political life of the city, honors the Chinese Consolidated Benevolent Association for its sponsorship of the parade to celebrate the Chinese New Year, and declares February 10, 2013 as "Chinese Lunar New Year 4711, Year of the Snake Day" in the District of Columbia

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

20-5

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To recognize the contributions of Estell Mathis-Lloyd to the District of Columbia on her retirement as the outgoing Chief of Staff for Vincent B. Orange., Sr., At-Large Councilmember.

WHEREAS, Estell Mathis-Lloyd was born in Magnolia, North Carolina, and received her undergraduate degree in Education from North Carolina Central University and a Masters in Counseling from Howard University;

WHEREAS, Estell Mathis-Lloyd has provided over 30 years of service to the residents of the District of Columbia, touched the lives of thousands, and earned the respect and love of many as a champion for the people and a fighter for equal rights and justice for all;

WHEREAS, Estell Mathis-Lloyd started her career with the District of Columbia government in 1976, serving 5 years in the District of Columbia Public Schools as a Career Advisor, Resource Teacher, Curriculum Developer, and Staff Development Trainer for teachers and administrators;

WHEREAS, in 1978, Estell Mathis-Lloyd developed a teachers' manual, "How to Teach" which has been used in many school in the Washington, DC area;

WHEREAS, from June 1981 to 1996, Estell Mathis-Lloyd continued her service to the District of Columbia as Legislative Assistant, Constituent Services Representative, Director of Community Outreach, and as Chief of Staff to former At-Large Councilmember John Ray;

WHEREAS, Estell Mathis-Lloyd helped Councilmember John Ray establish an office known for community outreach into the homes and hearts of thousands of District families by providing hands-on constituent services to residents in every ward and precinct in the District;

WHEREAS, from 1996 to 1997, Estell Mathis-Lloyd served as Director of Business Development for the Peoples Involvement Corporation, where she provided guidance to minority

**ENROLLED ORIGINAL**

entrepreneurs in the District seeking to establish a viable business and assisted them with the business loan application process;

WHEREAS, in 1997, Estell Mathis-Lloyd returned to the Council for the District of Columbia for 9 months and successfully organized a citywide community outreach program, serving as Special Assistant to former At-Large Councilmember Harold Brazil;

WHEREAS, Estell Mathis-Lloyd founded PROJET, Inc., an advertising and marketing company in which she served as President and CEO from 1997 until 1999, when she was recruited by the newly elected Ward 5 Councilmember, Vincent B. Orange, Sr., to serve as his Chief of Staff;

WHEREAS, during an 8-year tenure as Chief of Staff, Estell Mathis-Lloyd worked with Councilmember Vincent Orange to bring economic development to Ward 5, organize and implement bi-annual community outreach summits for Ward 5 residents, and address education issues to ensure the students in District of Columbia Public Schools have the opportunity to reach their maximum potential;

WHEREAS, Estell Mathis-Lloyd worked with Councilmember Orange to draft legislation to recognize April 16<sup>th</sup> as the District of Columbia Emancipation Day holiday and served as the primary organizer and manager of April 16<sup>th</sup> Emancipation Day Parades and related activities from 2001 to 2007 as his Chief of Staff;

WHEREAS, from 2007 to 2011, Estell Mathis-Lloyd served as the Director of Client Services for The University of the District of Columbia's PATHS ("Paving Access To Higher Services") program, where she trained public assistance recipients for employment as a Home Health Aide or a Certified Nursing Assistant, and 90% of her students were successfully employed;

WHEREAS, in May 2011, newly elected At-Large Councilmember, Vincent B. Orange, Sr. again recruited Estell Mathis-Lloyd to return to the Council to serve as his Chief of Staff, where she worked with him to serve the citizens in each ward of the District, managed his staff, and helped plan the events from April 11 to April 16, 2012 to commemorate the 150<sup>th</sup> Anniversary of District of Columbia Emancipation Day;

WHEREAS, Estell Mathis-Lloyd has been a vital and trusted resource of the Councilmembers she served in working relationships of confidence, loyalty, and mutual respect;

**ENROLLED ORIGINAL**

WHEREAS, Estell Mathis-Lloyd's contributions to the Council as an institution and the legislative process of the Council have been significant, and she continues to serve as a valued political advisor to many aspiring candidates for public office;

WHEREAS, Estell Mathis-Lloyd's service to the District is complemented by her political and civic activities, which include her current position as the District of Columbia Democratic National Committeewoman, President of the DC Federation of Democratic Women, National Chairman of the Women in Blue for the National Federation of Democratic Women, and her membership in organizations such as the Metropolitan Women Democratic Club, Ward 4 Democrats, Women of the NAACP, Women United, DC Vote, Education United Advisory Council, Young Ladies of Tomorrow Auxiliary Board, Cerise Ladies Travel Club, and Rockin' Robins Red Hat Society;

WHEREAS, Estell Mathis-Lloyd has served as an advocate for women rights, a policymaker, political strategist and organizer, campaign manager or field coordinator in several local and national campaigns, and she has been a champion of full congressional voting rights, budget autonomy, and statehood for the District of Columbia;

WHEREAS, Estell Mathis-Lloyd has served as a workshop organizer and an event planner for religious, social, and political organizations, bringing together men and women of diverse backgrounds;

WHEREAS, through her leadership and mentoring, Estell Mathis-Lloyd has counseled people who have gone on to serve as Chiefs of Staff and staffers to Councilmembers, as well as to serve as local and national political, government, business, and community leaders;

WHEREAS, Estell Mathis-Lloyd has one son, Felix Brandon Lloyd, a daughter-in-law, Jordan, and 2 grandchildren, Cassius and Florence, has traveled to every continent except Antarctica, is an active member and officer of St. Paul AME Church in the District, and lives by the Biblical scripture of Phillippians 4:11, "I can do all things through Christ Who Strengthens Me."; and

WHEREAS, Estell Mathis-Lloyd, committed her time and talents in service to the betterment of the District of Columbia through her work for the District of Columbia Public Schools, the Council, and the University of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Estell Mathis-Lloyd Recognition Resolution of 2013".

**ENROLLED ORIGINAL**

Sec. 2. The Council of the District of Columbia recognizes and honors Estell Mathis-Lloyd for her outstanding contributions and invaluable service to the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-6

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To posthumously honor the life of Janice Wade McCree for her exceptional commitment and service to the District of Columbia;

WHEREAS, Janice Wade McCree was born in Washington, D.C., on December 25, 1944;

WHEREAS, Janice Wade McCree attended District of Columbia Public Schools and received her high school diploma from Eastern Senior High School;

WHEREAS, Janice Wade McCree attended classes at the University of the District of Columbia (formerly the District of Columbia Teachers College);

WHEREAS, Janice Wade McCree worked at the District of Columbia Martin Luther King Library as a procurement agent;

WHEREAS, Janice Wade McCree retired in 1999 after 30 years of government service;

WHEREAS, Janice Wade McCree met and married Nathaniel Routh in 1965 and had a daughter, Lisa Dana;

WHEREAS, Janice Wade McCree became a widow in 1966 after Nathaniel Routh's death;

WHEREAS, Janice Wade McCree met and married Ray McCree in 1967, and had a son, Raymond Matthew McCree;

WHEREAS, Janice Wade McCree began participating in community meetings at age 12 and participated in the Langston Dwellings community for 55 years;

WHEREAS, Janice Wade McCree served as the President of the Langston Dwellings Resident Council for more than 20 years;

**ENROLLED ORIGINAL**

WHEREAS, Janice Wade McCree testified before the United States Congress and the District of Columbia Housing Authority to enact legislation and regulations that protect children; and

WHEREAS, The Langston Dwellings Community offers a scholarship in Janice Wade McCree’s honor (the Janice McCree Scholarship Fund) that provides educational opportunities for the children of Langston Dwellings.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Janice Wade McCree Posthumous Recognition Resolution of 2013”.

Sec. 2. The Council of the District of Columbia recognizes, honors, and celebrates the life of Janice Wade McCree for her distinguished service and extensive contributions to the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.



ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-7

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To posthumously honor the life of Lionel Taylor for his exceptional commitment and service to the District of Columbia.

WHEREAS, Lionel Taylor was born in Washington, D.C., on March 19, 1947;

WHEREAS, Lionel Taylor graduated from Gage Elementary, Shaw Middle School, Langley Junior High, and Dunbar Senior High School;

WHEREAS, Lionel Taylor began Bando training with Joe Manley at age 14;

WHEREAS, Lionel Taylor attended Federal City College, Washington Technical Institute and graduated from the University of the District of Columbia with a Bachelor of Science in Recreation;

WHEREAS, Lionel Taylor became a physical education instructor and basketball coach at Ward 5's St. Martin's Catholic School;

WHEREAS, Lionel Taylor became a Roving Leader in Ward 5 in 1972;

WHEREAS, Lionel Taylor, applying his collegiate education, became the Director of Langley Recreation Center (renamed the Harry Thomas Sr. Community Center) and remained the Director until he retired in 2009;

WHEREAS, Lionel Taylor became a karate instructor at the National Youth Sports Program and enriched District children through martial arts;

WHEREAS, Lionel Taylor expanded the United Youth Athletic Club by developing 5 football teams, 2 cheerleading squads, and several softball and basketball teams;

**ENROLLED ORIGINAL**

WHEREAS, Lionel Taylor founded and served as the president of the Amateur Kickboxing Federation (“AKF”);

WHEREAS, Lionel Taylor drafted AKF’s articles of incorporation and organized “Boxing under the Stars” and many other martial arts tournaments in the metropolitan area;

WHEREAS, Lionel Taylor, a member of the Bando Brotherhood, was a 7<sup>th</sup> Level Black Belt in the American Bando Association;

WHEREAS, Lionel Taylor participated in many initiatives, such as the North Capitol Collaborative Inc., Weed and Seed Program, Neighborhood Planning Commission, and Friends of Harry Thomas Sr. Recreation Center;

WHEREAS, Lionel Taylor’s leadership over the years has been a treasured resource for developing and strengthening the youth and families in Ward 5 and beyond;

WHEREAS, Lionel Taylor is survived by his beloved wife, Cynthia Taylor, 15 grandchildren, one great-grandchild, and many nieces, nephews, cousins, and friends.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Lionel Taylor Posthumous Recognition Resolution of 2013”.

Sec. 2. The Council of the District of Columbia recognizes, honors, and celebrates the life of Lionel Taylor for his distinguished service and extensive contributions to the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

**ENROLLED ORIGINAL**

A CEREMONIAL RESOLUTION

20-8

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To honor the Masjid Muhammad community for 75 years of community service in the District of Columbia.

WHEREAS, the community-based Masjid Muhammad Building promotes peace, tolerance, and racial and religious dialogue;

WHEREAS, the Masjid Muhammad community is the oldest Islamic member of Interfaith Conference of Metropolitan Washington (“ICMW”) and is a charter member of the ICMW;

WHEREAS, the Masjid Muhammad community is a member of Mayor Vincent C. Gray’s Interfaith Council;

WHEREAS, the Masjid Muhammad community created a Muslim American Veterans Association;

WHEREAS, the Masjid Muhammad community developed a Muslim Boy and Girl Scouts program in the metropolitan area;

WHEREAS, the Masjid Muhammad community assisted in creating the American Muslim Coalition for Good Government (renamed the American Coalition for Good Government);

WHEREAS, the Masjid Muhammad community founded a Muslim school in the Nation’s Capital; and

WHEREAS, the Masjid Muhammad community has several members engaged in volunteerism, social services, youth enhancement activities, senior citizen support, community and business development, job creation, and skills training activities throughout the District.

**ENROLLED ORIGINAL**

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Masjid Muhammad Community’s 75<sup>th</sup> Anniversary Recognition Resolution of 2013”.

Sec. 2. The Council of the District of Columbia recognizes and honors the Masjid Muhammad community for 75 years of community service and leadership.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-9

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To declare the month of February 2013 as “American Heart Month” in the District of Columbia, recognize and support the American Heart Association’s Go Red For Women movement, and urge citizens to show their support for women and the fight against heart disease and stroke by commemorating February through the wearing and presentation of the color red.

WHEREAS, the American Heart Association’s Go Red For Women movement has been impacting the health of women for 10 years and more than 627,000 women’s lives have been saved and 330 fewer women are dying every day;

WHEREAS, heart disease is the No. 1 killer of women, yet only one in 5 American women believe that heart disease is her greatest health threat;

WHEREAS, cardiovascular diseases cause one in 3 women’s deaths each year, killing approximately one woman every minute;

WHEREAS, while progress has been significant in reducing deaths from heart disease, it is still the No. 1 killer of both women and men;

WHEREAS, cardiovascular diseases are the nation’s leading cause of death and costliest disease with direct and indirect costs estimated to be \$312.6 billion;

WHEREAS, between 1999 and 2009, the rate of deaths from cardiovascular diseases fell 32.7%, but still accounted for nearly one in 3 deaths in the nation;

WHEREAS, heart disease alone is the leading cause of death in the District, accounting for 722 female deaths in 2012;

WHEREAS, stroke is the No. 3 cause of death for females in the District, accounting for 138 female deaths in 2012;

**ENROLLED ORIGINAL**

WHEREAS, heart disease and stroke account for 33.1% of all female deaths in the District;

WHEREAS, on average, nearly 2 women die from heart disease and stroke in the District each day;

WHEREAS, an estimated 43 million women in the U.S. are affected by cardiovascular diseases;

WHEREAS, 90% percent of women have one or more risk factors for developing heart disease;

WHEREAS, women comprise only 24% of participants in all heart-related studies;

WHEREAS, since 1984, more women than men have died each year from heart disease and the gap between men and women's survival continues to widen;

WHEREAS, women are less likely to call 911 for themselves when experiencing symptoms of a heart attack than they are if someone else were having a heart attack;

WHEREAS, by increasing awareness, speaking up about heart disease, empowering women to reduce their risk for cardiovascular disease, and recognizing the critical importance of tools and skills that will increase survival rates from cardiac arrest (and incorporating these tools into aggressive programs), thousands of lives can be saved each year;

WHEREAS, efforts of the American Heart Association encourage citizens to help save lives by calling 9-1-1 if symptoms occur, become trained in CPR, and encourage comprehensive automated external defibrillator programs in their communities; and

WHEREAS, the American Heart Association is celebrating February 2013 as American Heart Month and promoting education and awareness by encouraging citizens to learn the warning signs of heart attack and stroke.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "American Heart Month Recognition Resolution of 2013".

Sec. 2. The Council of the District of Columbia recognizes and supports the American Heart Association's Go Red For Women movement, urges citizens to show their support for women and the fight against heart disease and stroke by commemorating February through the wearing and presentation of the color red, and declares the month of February 2013 as "American Heart Month" in the District of Columbia.

**ENROLLED ORIGINAL**

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-10

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To recognize the Washington Redskins for winning the 2012 NFC East Division Title, for winning the NFC East Division for the first time since 1999, for making the playoffs for the first time since 2007, for having Robert Griffin III, London Fletcher, Lorenzo Alexander, Ryan Kerrigan, and Trent Williams selected to represent the NFC in the Pro Bowl, and for Robert Griffin III being selected as rookie of the year by *Sporting News*.

WHEREAS, on December 6, 2012, the Washington Redskins (“Redskins”) defeated the Dallas Cowboys 28-18 in front of a national audience to claim the NFC East Division Title;

WHEREAS, the Redskins got off to a rough start and entered their bye week with a record of 3-6;

WHEREAS, the Redskins came together as a team to rattle off 7 wins in a row to finish the season with a 10-6 record and as the hottest team in the NFL;

WHEREAS, the Redskins finished 5-1 against NFC East opponents, which included sweeping the Dallas Cowboys and the Philadelphia Eagles;

WHEREAS, this is the first time since 1999 that the Redskins have won the NFC East Division Title;

WHEREAS, this is the first time since 2007 that the Redskins have qualified for the playoffs;

WHEREAS, the Redskins were led by quarterback Robert Griffin III, who was selected second overall by the Redskins in the 2012 NFL draft and who finished the season with 3,100 passing yards, with 20 touchdowns, and 752 rushing yards, with 6 touchdowns;

WHEREAS, Robert Griffin III, captivated the whole region with his tenacity, talent, and amazing playmaking ability;



## ENROLLED ORIGINAL

WHEREAS, *Sporting News* name Robert Griffin III the 2012 NFL Rookie of the Year;

WHEREAS, the Redskins led the NFL with the most rushing yards during the 2012 regular season, mainly due to the outstanding play of running back Alfred Morris, who finished the season with 1,613 yards, second only to Adrian Peterson;

WHEREAS, quarterback Robert Griffin III, linebacker Lorenzo Alexander, linebacker London Fletcher, linebacker Ryan Kerrigan, and offensive tackle Trent Williams were bestowed the honor of being selected to represent the NFC in this year's Pro Bowl game, and running back Alfred Morris were selected as an alternate;

WHEREAS, a great deal of gratitude and appreciation goes to the owner, Daniel Snyder and his family, and all the front office personnel and coaches, especially general manager Bruce Allen and head coach Mike Shanahan, for the Redskins in making this season a success; and

WHEREAS, this season was extra special because the Redskins were celebrating the 75<sup>th</sup> anniversary of the franchise's move from Boston to Washington.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Washington Redskins NFC East Division Title Recognition Resolution of 2013".

Sec. 2. The Council of the District of Columbia recognizes and honors the Washington Redskins for its outstanding contributions on and off the field to the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

20-11

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To recognize and support the March on Washington for Gun Control and to declare January 26, 2013 as “Day of Action for Gun Control” in the District of Columbia.

WHEREAS, the March on Washington for Gun Control will be a non-partisan march for common-sense gun control by concerned citizens from around the country and will take place on January 26, 2013 in the District of Columbia;

WHEREAS, motivated by the senseless killings and violent crime perpetuated with guns every year, and, in particular, shocked into action by the massacre at Sandy Hook Elementary School on December 14, 2012, the march seeks to compel Congress to action;

WHEREAS, the District of Columbia has the toughest gun control laws in the nation and the Council of the District of Columbia encourages state legislatures around the country to follow the model set forth by the District;

WHEREAS, President Obama has outlined 23 clear proposals to strengthen the safety of our communities and create greater personal responsibility for owners of firearms; and

WHEREAS, the march seeks for Congress and state legislatures to reinstate the federal ban on assault rifles, ban the sale of high-capacity ammunition magazines, require universal criminal and mental health background checks for firearm buyers, prohibit the sale of bullets intended to shatter inside the body, and require gun-safety training for all buyers of firearms.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “March on Washington for Gun Control Recognition Resolution of 2013”.

Sec. 2. The Council of the District of Columbia recognizes the importance of more responsible gun restrictions and safety measures, supports the March on Washington for Gun Control, and declares January 26, 2013 as “Day of Action for Gun Control” in the District of Columbia.

**ENROLLED ORIGINAL**

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-12

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To recognize, honor, and express overwhelming gratitude to Doris L. Brooks for her outstanding service to the District of Columbia and for her 34 years of service as an Advisory Neighborhood Commissioner.

WHEREAS, Doris L. Brooks was born Doris Louise Corbin at Freedman’s Hospital in Washington, D.C. on November 24, 1934;

WHEREAS, Doris L. Brooks attended Bell Elementary School, Randall Junior High School, and Margaret Murray Washington School in Washington, D.C., and completed a training program at Federal City College;

WHEREAS, Doris L. Brooks was licensed as a Social Work Associate and worked for the United Planning Organization, Family and Child Services, and the District of Columbia Department of Human Services Income Maintenance Division before retiring in 1999;

WHEREAS, Doris L. Brooks has been a member of United House of Prayer for All People her entire life and was anointed a Saint by Bishop Walter McCullough;

WHEREAS, Doris L. Brooks has 9 children (one deceased), 16 grandchildren, and 8 great-grandchildren;

WHEREAS, Doris L. Brooks was elected and re-elected as an Advisory Neighborhood Commissioner 16 times between 1980 and 2010, and served as a Commissioner from 1980-2013;

WHEREAS, Doris L. Brooks served residents of Wards 2 and 6 during her 34 years of service;

WHEREAS, Doris L. Brooks held the office of Advisory Neighborhood Commissioner for Single Member Districts 2C03, 2C09, 6A09, and 6A10;

**ENROLLED ORIGINAL**

WHEREAS, Doris L. Brooks served as a Commissioner on ANC 2C for 24 years, longer than any other Commissioner to date;

WHEREAS, Doris L. Brooks served as Chair and Vice Chair of ANC 2C during the course of her service;

WHEREAS, Doris L. Brooks completed her final term of office as an Advisory Neighborhood Commissioner on January 2, 2013; and

WHEREAS, as an Advisory Neighborhood Commissioner representing Shaw, Doris L. Brooks advocated for affordable housing and employment opportunities for Shaw residents.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Doris L. Brooks Recognition Resolution of 2013”.

Sec. 2. The Council of the District of Columbia recognizes and honors Doris L. Brooks for her 34 years of service to the District of Columbia as an elected Advisory Neighborhood Commissioner.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

20-13

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To recognize and honor the work of The Pearl Coalition and its founder, Lloyd D. Smith, and to bring the hidden story of The Pearl Escape to a national audience.

WHEREAS, the 15<sup>th</sup> day of April, 2013 will be celebrated as The Pearl Coalition “Voyage of Freedom” Day in the District of Columbia;

WHEREAS, this historic event will be the centerpiece of cultural and educational programs that highlight the struggle for freedom from slavery and bondage in the Washington, D.C. area, and will instill a sense of pride and connectivity in school-aged youth of the true culture and contributions of Africans in American history, their legacy, and the resulting freedoms that all Americans currently enjoy;

WHEREAS, The Pearl Coalition’s mission is to educate the public about the historic escape of 75 enslaved African Americans by rebuilding a replica of their ship, The Pearl Schooner, as a floating museum;

WHEREAS, The Pearl Schooner will provide job training and educational programs for local youth, create awareness of the Washingtonian contribution to African American history, and educate visitors to our nation’s capital on the unified efforts to end slavery in the United States;

WHEREAS, organizers and participants in the planning of the escape included Paul Jennings, credited for being one of the key planners, Daniel Bell, a worker at the Navy Yard, and Samuel Edmonson and the Edmonson family;

WHEREAS, the Edmonson sisters continued to work with Frederick Douglass and the abolitionist movement to elect Abraham Lincoln after their freedom was secured;

WHEREAS, the unified efforts by African and European Americans to achieve the emancipation of enslaved persons in Washington, D.C, and to free the African, Native American, and European indentured servants are celebrated by those involved in The Pearl Escape;

**ENROLLED ORIGINAL**

WHEREAS, the unified efforts of people of faith who dared to demonstrate their belief in God through love for their fellow man are celebrated; and

WHEREAS, recognition is extended to Josephine F. Pacheco, Mary Kay Ricks, Asbury United Methodist Church, Mt. Zion United Methodist Church, and many others who contributed to the recognition of The Pearl's Escape history and its connection to the District of Columbia's rich legacy.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "The Pearl Coalition Recognition Resolution of 2013".

Sec. 2. The Council of the District of Columbia recognizes The Pearl Escape as the turning point in the movement for emancipation from slavery and bondage in the United States, leading to increased actions by the abolitionist movement, the election of Abraham Lincoln, Washington D.C.'s Compensated Emancipation Proclamation, and the Civil War.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-14

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To recognize, honor, and express overwhelming gratitude to Betty Brown Casey for her outstanding service to the District of Columbia and her dedication to renewing the ever-decreasing population of trees in Washington, D.C.

WHEREAS, Betty Brown Casey has been Chairwoman of the Eugene B. Casey Foundation since 1981;

WHEREAS, over the past 26 years, Betty Brown Casey, using her personal funds as well as Eugene B. Casey Foundation assets, has been a leading benefactor of many charitable organizations that support education, health, and the arts in our community;

WHEREAS, 10 years ago, Betty Brown Casey had the idea that a program should be established to renew the ever-decreasing population of trees in the District of Columbia and endowed the program with a gift of \$50 million to the Garden Club of America;

WHEREAS, Betty Brown Casey concluded that this was a program that would bring continued joy to District of Columbia residents and, at the same time, the gift would honor her husband, who had a lifelong connection to our community;

WHEREAS, Betty Brown Casey enlisted the help of the Garden Club of America to administer the task of planting the trees throughout the city, and leadership was provided by Barbara Shea and Nan King, long-time members of the Garden Club;

WHEREAS, because of the program’s extraordinary success, Betty Brown Casey recently gave an additional gift of her 600-acre farm in Berryville, Virginia so that there would be a designated location, in perpetuity, to grow the trees that eventually would be transplanted to the District of Columbia; and

WHEREAS, an additional \$50 million was provided to endow the operation of the farm.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Betty Brown Casey Recognition Resolution of 2013”.



**ENROLLED ORIGINAL**

Sec. 2. The Council of the District of Columbia recognizes and honors Betty Brown Casey for her years of service to the District of Columbia. All in our community are unanimous in thanking Mrs. Casey and the Eugene B. Casey Foundation for this continuing gift that will enrich our city for generations to come. .

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

20-15

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To celebrate the inaugural ceremony of the District of Columbia's famous groundhog weatherman, Potomac Phil, as he delivers his unprecedented forecast on February 2, 2013, "DC Groundhog Day," and to declare February 2, 2013 as "D.C. Groundhog Day" in the District of Columbia.

WHEREAS, District of Columbia residents and visitors will be enlightened with the knowledge of Potomac Phil's internal power of weather prediction;

WHEREAS, on February 2, 2013, citizens of the District of Columbia will be educated on the American folklore tradition of Groundhog day by Dupont Festival; and

WHEREAS, hundreds of individuals in and around Dupont Circle during the morning of February 2, 2013 will be elucidated by Potomac Phil.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "D.C. Groundhog Day Recognition Resolution of 2013".

Sec. 2. The Council of the District of Columbia hereby declares February 2, 2013 as "D.C. Groundhog Day" in the Nation's Capital.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.



**BILLS con't**

- B20-263      Photographic Proof of Visitor Parking Pass Violation Amendment Act of 2013  
Intro. 04-30-13 by Councilmember Graham and referred to the Committee on Transportation and the Environment
- 
- B20-264      Voter Registration Access and Modernization Amendment Act of 2013  
Intro. 04-30-13 by Councilmember Wells and referred to the Committee on Government Operations
- 
- B20-265      District of Columbia Primary Date Alteration Amendment Act of 2013  
Intro. 05-01-13 by Chairman Mendelson and Councilmembers Evans, Wells, McDuffie and Bonds and referred to the Committee on Government Operations
- 
- B20-268      Saving D.C. Homes from Foreclosure Clarification and Title Insurance Clarification Amendment Act of 2013  
Intro. 05-01-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs
- 
- B20-275      District of Columbia Drivers Safety Amendment Act of 2013  
Intro. 05-02-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
- 
- B20-279      Commercial Driver's License Skills Test Amendment Act of 2013  
Intro. 05-07-13 by Councilmembers Alexander, Barry, Graham and McDuffie and referred to the Committee on Transportation and the Environment
- 
- B20-280      YMCA Community Investment Initiative Real Property Tax Exemption Act of 2013  
Intro. 05-07-13 by Councilmember Graham and referred to the Committee on Finance and Revenue
- 
- B20-281      Homeless Services Reform Amendment Act of 2013  
Intro. 05-07-13 by Councilmember Graham and referred to the Committee on Human Services
-

**BILLS con't**

- B20-282 District of Columbia Marketplace Fairness Amendment Act of 2013
- Intro. 05-07-13 by Councilmembers Cheh, Bonds, McDuffie, Bowser, Graham, Alexander, Orange and Evans and referred to the Committee on Finance and Revenue
- 
- B20-283 Undetectable Firearms Act of 2013
- Intro. 05-07-13 by Councilmember Wells and referred to the Committee on the Judiciary and Public Safety
- 

**PROPOSED RESOLUTIONS**

- PR20-228 See Forever Foundation/Maya Angelou Public Charter School Revenue Bonds Project Approval Resolution of 2013
- Intro. 04-29-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue
- 
- PR20-229 Board of Trustees of the University of the District of Columbia Ms. Alejandra Y. Castillo Confirmation Resolution of 2013
- Intro. 04-30-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
- 
- PR20-230 Board of Trustees of the University of the District of Columbia Dr. Gabriela D. Lemus Confirmation Resolution of 2013
- Intro. 04-30-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
- 
- PR20-231 Board of Trustees of the University of the District of Columbia Major General Errol R. Schwartz Confirmation Resolution of 2013
- Intro. 04-30-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
- 
- PR20-232 Board of Trustees of the University of the District of Columbia Elaine A. Crider Confirmation Resolution of 2013
- Intro. 04-30-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
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**PROPOSED RESOLUTIONS con't**

PR20-233 Board of Trustees of the University of the District of Columbia George Vradenburg Confirmation Resolution of 2013

Intro. 04-30-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

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PR20-234 Board of Trustees of the University of the District of Columbia Mr. Stephen W. Porter Confirmation Resolution of 2013

Intro. 04-30-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

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PR20-235 Sense of the Council of the District of Columbia on April 15, 2013 Terrorist Attack on Boston Resolution of 2013

Intro. 04-30-13 by Chairman Mendelson and Councilmembers Alexander, Barry, Bonds, Bowser, Catania, Cheh, Evans, Graham, Grosso, McDuffie, Orange and Wells and retained by Council

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PR20-236 Council of the District of Columbia Pro Bono Legal Volunteer Program Establishment Resolution of 2013

Intro. 04-30-13 by Chairman Mendelson and retained by the Council

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PR20-238 Amended Special Eligibility Criteria for Local Rent Supplement Program Vouchers for Families Experiencing Homelessness Approval Resolution of 2013

Intro. 05-01-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services with comments from the Committee on Economic Development

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PR20-239 Sense of the Council to Rename the Washington Football Club Resolution of 2013

Intro. 05-01-13 by Councilmembers Grosso, Catania, Cheh, Graham, McDuffie, Bowser, Wells, Barry and Bonds and referred to the Committee on Finance and Revenue

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PR20-250 Safety Plan Rulemaking Approval Resolution of 2013

Intro. 05-02-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

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**PROPOSED RESOLUTIONS con't**

- PR20-251      Science Advisory Board Dr. Michael Coble Confirmation Resolution of 2013  
  
Intro. 05-02-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
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- PR20-252      Science Advisory Board Dr. William Grosshandler Confirmation Resolution of 2013  
  
Intro. 05-02-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
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- PR20-253      Science Advisory Board Dr. Clifton P. Bishop Confirmation Resolution of 2013  
  
Intro. 05-02-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
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- PR20-254      Science Advisory Board Dr. Sandy Zabell Confirmation Resolution of 2013  
  
Intro. 05-02-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
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- PR20-255      Science Advisory Board Joseph P. Bono Confirmation Resolution of 2013  
  
Intro. 05-02-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
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- PR20-256      Science Advisory Board Dr. Jay Siegel Confirmation Resolution of 2013  
  
Intro. 05-02-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
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- PR20-257      Science Advisory Board Peter M. Marone Confirmation Resolution of 2013  
  
Intro. 05-02-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
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- PR20-258      Science Advisory Board Irv Litofsky Confirmation Resolution of 2013  
  
Intro. 05-02-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
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**PROPOSED RESOLUTIONS con't**

PR20-259      Science Advisory Board Dr. Charlotte Word Confirmation Resolution of 2013

Intro. 05-02-13 by Chairman Mendelson at the request of the Mayor and referred to the  
Committee on Judiciary and Public Safety

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COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

REVISED

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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**

**Bill 20-241, Delta Sigma Theta Way Inc. Way 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," Bill 20-250, the "Atlas Court Alley Designation Act of 2013," and Bill 20-241, the "Delta Sigma Theta Way Inc. Way 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 20-241, the "Delta Sigma Theta Inc. Way 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 22<sup>nd</sup> 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 11<sup>th</sup> and 12<sup>th</sup> Streets, N.E. and H and I Streets, N.E. as Atlas Court in Ward 6. The stated purpose of Bill 20-241 is to approve the designation of the intersection 17<sup>th</sup> Street, N.W. and New Hampshire Avenue, N.W. as Delta Sigma Theta Inc. Way in Ward 2.

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](mailto: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, Bill 20-69, Bill 20-250, and Bill 20-241 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 GOVERNMENT OPERATIONS  
NOTICE OF PUBLIC HEARING  
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

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**COUNCILMEMBER KENYAN R. McDUFFIE, CHAIRPERSON  
COMMITTEE ON GOVERNMENT OPERATIONS**

**ANNOUNCES A PUBLIC HEARING ON**

**B20-0245 THE "BOARD OF ELECTIONS PETITION CIRCULATION REQUIREMENTS AMENDMENT ACT OF 2013"**

**B20-0265 THE "DISTRICT OF COLUMBIA PRIMARY DATE ALTERATION AMENDMENT ACT OF 2013"**

**Wednesday May, 29 2013, 11:00 AM  
Room 123 John A. Wilson Building  
1350 Pennsylvania Ave., NW  
Washington, D.C. 20004**

On May 29, 2013, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Government Operations, will convene a public hearing on B20-0245 the "Board of Elections Petition Circulation Requirements Amendment Act of 2013" and B20-0265 the "District of Columbia Primary Date Alteration Amendment Act of 2013." This public hearing will be held in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Ave, NW at 11:00 AM.

The purpose of this hearing is to give the public the opportunity to comment on these measures. The stated purpose of B20-0245 the "Board of Elections Petition Circulation Requirements Amendment Act of 2013" is to abolish the voter registration and residency requirements for circulators of petitions for the purposes of placing initiative and referendum measures on the ballot, nominating candidates for elected office, and recalling elected officials, and to establish in their place a requirement that circulators of petitions for these purposes be at least eighteen years of age and either residents of the relevant jurisdictions or registered as petition circulators with the Board of Elections. The stated purpose of B20-0265 the "District of Columbia Primary Date Alteration Amendment Act of 2013" is to alter the date of District of Columbia primary elections for the President of the United States, the Council of the District of Columbia and the District of Columbia Delegate to the House of Representatives.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify at the hearing should contact Mr. Ronan Gulstone, Committee Director at (202) 724-8028, or via e-mail at [rgulstone@dccouncil.us](mailto:rgulstone@dccouncil.us), and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business Friday May, 24 2013. Representatives of organizations will be allowed a maximum of five (5) minutes for oral

presentation and individuals will be allowed a maximum of three (3) minutes for oral presentation. Witnesses should bring 10 copies of their written testimony and if possible submit a copy of their testimony electronically to [rgulstone@dccouncil.us](mailto:rgulstone@dccouncil.us).

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 the Committee, or to Ms. Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. The record will close at the end of the business day on June 4, 2013.

**Council of the District of Columbia  
Committee on Finance and Revenue  
Notice of Public Hearing**

John A. Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004

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**COUNCILMEMBER JACK EVANS, CHAIR  
COMMITTEE ON FINANCE AND REVENUE**

**ANNOUNCES A PUBLIC HEARING ON:**

**PR 20-228, the “See Forever Foundation/Maya Angelou Public Charter School Revenue Bonds Project Approval Resolution of 2013”**

**Bill 20-256, the “Income Tax Secured Bond Authorization Amendment Act of 2013”**

**Bill 20-280, the “YMCA Community Investment Initiative Real Property Tax Exemption Act of 2013”**

**Thursday, May 30, 2013**

**11:00 a.m.**

**Room 120 - John A. Wilson Building**

**1350 Pennsylvania Avenue, NW, Washington, D.C. 20004**

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public hearing to be held Thursday, May 30, 2013 at 11:00 a.m., in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

PR 20-228, the “See Forever Foundation/Maya Angelou Public Charter School Revenue Bonds Project Approval Resolution of 2013” will authorize and provide for the issuance, sale and delivery in an aggregate principal amount not to exceed \$10 million of the District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist See Forever and/or Maya Angelou Public Charter School in the financing, refinancing or reimbursing of cost associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

Bill 20-256, the “Income Tax Secured Bond Authorization Amendment Act of 2013” will amend Chapter 3 of Title 47 of the District of Columbia Code to authorize the issuance of additional revenue bonds of the District of Columbia payable from and secured by individual income tax and business franchise tax revenues for the purposes of financing capital projects of the District government.

Bill 20-280, the “YMCA Community Investment Initiative Real Property Tax Exemption Act of 2013” will amend Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain property owned or leased by YMCA of Metropolitan Washington or YMCA Community Investment Initiative, nonprofit organizations.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Sarina Loy, Committee Aide at (202) 724-8058 or [sloy@dccouncil.us](mailto:sloy@dccouncil.us), and

provide your name, organizational affiliation (if any), and title with the organization by 10:00 a.m. on Wednesday, May 29, 2013. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to [sloy@dccouncil.us](mailto:sloy@dccouncil.us) or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, 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

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**COUNCILMEMBER TOMMY WELLS, CHAIRPERSON  
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY**

**ANNOUNCES A PUBLIC ROUNDTABLE ON**

**PR 20-157, THE “COMMISSION ON RE-ENTRY AND RETURNING CITIZENS  
AFFAIRS LOUIS B. SAWYER, JR. CONFIRMATION RESOLUTION OF 2013”**

**PR 20-158, THE “COMMISSION ON RE-ENTRY AND RETURNING CITIZENS  
AFFAIRS PETRINA L. WILLIAMS CONFIRMATION RESOLUTION OF 2013”**

**And**

**PR 20-187, THE “CHILD FATALITY REVIEW COMMITTEE LAURA E. HOUSE  
CONFIRMATION RESOLUTION OF 2013”**

**Thursday, May 30, 2013**

**11:00 am**

**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 roundtable on Proposed Resolution 20-157, the “Commission On Re-Entry And Returning Citizens Affairs Louis B. Sawyer, Jr. Confirmation Resolution of 2013”; and Proposed Resolution 20-158, the “Commission On Re-Entry And Returning Citizens Affairs Petrina L. Williams Confirmation Resolution of 2013”. The roundtable will be held on Thursday, May 30, 2013, beginning at 11:00 a.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, D.C. 20004.

The purpose of this roundtable is to receive public comment on the Mayor’s nomination of Mr. Louis B. Sawyer, Jr. and Ms. Petrina L. Williams to serve on the Commission on Re-Entry and Returning Citizens Affairs”; and Dr. Laura E. House to serve on the Child Fatality Review Committee.

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 Tuesday, May 21, 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 Friday, June 7, 2013 to Ms. Shuford, Committee on the Judiciary and Public Safety, Room 109, 1350 Pennsylvania Ave., NW, Washington, D.C., 20004, or via email at tshuford@dccouncil.us.

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**CONSIDERATION OF TEMPORARY LEGISLATION**

**B20-201**, “Fiscal Year 2013 Revised Budget Request Adjustment Temporary Act of 2013” and **B20-244**, “Saving D.C. Homes from Foreclosure Enhanced Temporary Amendment Act of 2013” were adopted on first reading on May 7, 2013. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on May 22, 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 15<sup>th</sup> 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 31<sup>st</sup> 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

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**Reprog. 20-44:** Request to reprogram \$609,273 of Fiscal Year 2013 Local funds budget authority within the District of Columbia National Guard (DCNG) was filed in the Office of the Secretary on May 1, 2013. This reprogramming ensures the purchase of supplies for the upcoming Cadet class, due to begin July 2013.

RECEIVED: 14 day review begins May 2, 2013

**Reprog. 20-45:** Request to reprogram \$342,000 of capital funds budget authority and allotment from the Department of Consumer and Regulatory Affairs to the Department of Parks and Recreation (DPR) was filed in the Office of the Secretary on May 1, 2013. This reprogramming is needed to support the cost of design and construction of Metro Memorial Park.

RECEIVED: 14 day review begins May 2, 2013

**Reprog. 20-46:** Request to reprogram \$148,000 of Fiscal Year 2013 Local funds budget authority from the Repayment of Loans and Interest Account (RLIA) to the D.C. Department of Human Resources (DCHR) was filed in the Office of the Secretary on May 1, 2013.

This reprogramming ensures the DCHR will be able to support 25 college interns participating in the 2013 Summer District Leadership program.

RECEIVED: 14 day review begins May 2, 2013

**Reprog. 20-47:** Request to reprogram \$1,940,469 of Fiscal Year 2013 Special Purpose Revenue budget authority within the Department of Employment Services (DOES) was filed in the Office of the Secretary on May 7, 2013. This reprogramming ensures that DOES will be able to extend the On-Point contract and provide professional services and equipment to meet the agency's programmatic needs.

RECEIVED: 14 day review begins May 8, 2013

**Reprog. 20-48:** Request to reprogram \$127,388 of Local funds budget authority from Non-Public Tuition (NPT) to the Office of the Chief Technology Officer (OCTO) was filed in the Office of the Secretary on May 7, 2013. The funds are needed to support the costs associated with the new DC One Card issuance for Public Charter School students participating in the Transit Subsidy Program.

RECEIVED: 14 day review begins May 8, 2013

**Reprog. 20-49:** Request to reprogram \$500,000 of Fiscal Year 2013 Local funds budget authority from the Child and Family Services (CFSA) to the Department of Human Services (DHS) was filed in the Office of the Secretary on May 7, 2013. This reprogramming ensures that DHS will have sufficient capacity to target at-risk youth who are homeless.

RECEIVED: 14 day review begins May 8, 2013

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF PUBLIC HEARINGS  
CALENDAR**

**WEDNESDAY, MAY 15, 2013  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S,  
WASHINGTON, D.C. 20009**

**Ruthanne Miller, Chairperson  
Members:**

**Nick Alberti, Donald Brooks, Herman Jones, Mike Silverstein**

<b>Protest Hearing (Status)</b>	<b>9:30 AM</b>
<b>Case # 13-PRO-00008; Tas, LLC, t/a Libertine, 2438 18th Street NW, License #86298, Retailer CR, ANC 1C</b>	
<b>Substantial Change (Change of Hours for Premise and Sidewalk Café)</b>	
<b>Show Cause Hearing (Status)</b>	<b>9:30 AM</b>
<b>Case # 12-CMP-00679; Sami Restaurant, LLC, t/a Bistro 18, 2420 18th Street NW, License #86876, Retailer CR, ANC 1C</b>	
<b>Operating After Hours</b>	
<b>Show Cause Hearing (Status)</b>	<b>9:30 AM</b>
<b>Case # 13-CMP-00035; Sami Restaurant, LLC, t/a Bistro 18, 2420 18th Street NW, License #86876, Retailer CR, ANC 1C</b>	
<b>Operating After Hours, Interfered with an ABRA Investigation, Failed to Make a Copy of Settlement Agreement Immediately Accessible</b>	
<b>Show Cause Hearing (Status)</b>	<b>9:3 AM</b>
<b>Case # 12-CMP-00734; Sami Restaurant, LLC, t/a Bistro 18, 2420 18th Street NW, License #86876, Retailer CR, ANC 1C</b>	
<b>Operating After Hours, Interfered with an ABRA Investigation, No Manager on Duty</b>	
<b>Show Cause Hearing (Status)</b>	<b>9:30 AM</b>
<b>Case # 13-CMP-00105; Escobar Rincon, Inc., t/a La Lomita Dos, 308 Pennsylvania Ave SE, License #15387, Retailer CR, ANC 6B</b>	
<b>Sale To Minor, Failed to Take Steps Necessary to Ascertain Legal Drinking Age, Allowed the Establishment to be Used for an Unlawful or Disorderly Purpose</b>	
<b>Show Cause Hearing (Status)</b>	<b>9:30 AM</b>
<b>Case # 12-AUD-00068(a); Big Bear Café, LLC, t/a Big Bear Café, 1700 1st Street NW, License #84379, Retailer CR, ANC 5E</b>	
<b>Failed to Obtain Importation Permits, Failed to Maintain Books and Records, Failed to Meet Food Sales Requirements</b>	

Board's Calendar

Page -2- May 15, 2013

**Show Cause Hearing (Status) 9:30 AM**

**Case # 12-CMP-00701;** M & M Beer and Wine, Inc., t/a M & M Market  
3544 East Capitol Street NE, License #78461, Retailer B, ANC 7F

**Allowed the Sale of an Individual Container of Malt Liquor with a Capacity  
of Less than 70 Ounces**

**Show Cause Hearing (Status) 9:30 AM**

**Case # 12-CMP-00456;** Mama Chuy DC, Inc., t/a Mama Chuy, 2620 Georgia  
Ave NW, License #86892, Retailer CR, ANC 1B

**Failed to File Quarterly Statements (1st Quarter 2012)**

**Show Cause Hearing 10:00 AM**

**Case # 11-CMP-00344;** Lin's Entertainment, LLC, t/a Columbia Wine &  
Liquors, 1151 Bladensburg Road NE, License #60113, Retailer A, ANC 5D

**Sold Go-Cups**

**Show Cause Hearing 11:00 AM**

**Case # 12-CMP-00597;** Krakatoa, Inc., t/a Chief Ike's Mambo Room, 1723  
Columbia Road NW, License #17940, Retailer CT, ANC 1C

**No ABC Manager on Duty**

**BOARD RECESS AT 12:00 PM**

**ADMINISTRATIVE AGENDA**

**1:00 PM**

**Show Cause Hearing 1:30 PM**

**Case # 11-251-00372;** De Amigo, LLC, t/a Sesto Senso/Andulo/Spot/Lupe/MIA  
1214 18th Street NW, License #81092, Retailer CT, ANC 2B

**Allowed the Establishment to be Used for an Unlawful or Disorderly  
Purpose, Failed to Follow Security Plan**

**Protest Hearing 3:30 PM**

**Case # 12-PRO-00081;**2007 14th Street Productions, LLC, t/a Marvin, 2007  
14th Street NW, License #76166, Retailer CT, ANC 1B

**Substantial Change (expansion to the 2nd floor & additional 87 seats)**

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Posting Date: May 10, 2013  
Petition Date: June 24, 2013  
Hearing Date: July 8, 2013  
Protest Hearing Date: August 14, 2013

License No.: ABRA-092010  
Licensee: Brookland’s Finest, LLC  
Trade Name: Brookland’s Finest Bar & Kitchen  
License Class: Retailer’s Class “C” Tavern  
Address: 3126 – 3128 12<sup>th</sup> Street, NE  
Contact: Andrew Kline 202-686-7600

WARD 5            ANC 5B            SMD 5B04

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 14<sup>th</sup> 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 14, 2013.

**NATURE OF OPERATION**

Tavern serving American food with a seating capacity of 75 and total occupancy load of 99. Summer garden with 40 seats.

**HOURS OF OPERATION FOR PREMISES AND SUMMER GARDEN**

Sunday through Thursday 7:00 am – 2:00 am; Friday & Saturday 7:00 am – 3:00 am

**HOURS OF ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION FOR PREMISES AND SUMMER GARDEN**

Sunday through Thursday 8:00 am – 2:00 am; Friday & Saturday 8:00 am – 3:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: May 10, 2013
Petition Date: June 24, 2013
Hearing Date: July 8, 2013
Protest Hearing Date: August 14, 2013

License No.: ABRA-092012
Licensee: Ching, LLC
Trade Name: Ching
License Class: Retailer's Class "C" Tavern
Address: 639 Florida Ave., NW
Contact: Andrew Kline 202-686-7600

WARD 1 ANC 1B SMD 1B01

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 14, 2013.

NATURE OF OPERATION

Tavern serving Thai and Asian cuisine on hot top grills with a seating capacity of 150. Total occupancy load of 199. Entertainment consists of occasional DJ and live music. No nude entertainment and no dancing. Summer Garden with 30 seats (subject to change based on final Certificate of Occupancy for Summer Garden).

HOURS OF OPERATION AND 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 AND ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION FOR SUMMER GARDEN

Sunday through Thursday 8:00 am - 2:00 am; Friday & Saturday 8:00 am - 3:00 am

HOURS OF ENTERTAINMENT

Sunday through Thursday 6:00 pm - 2:00 am; Friday & Saturday 6:00 pm - 3:00 am

**CORRECTION\*****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 14, 2013\*

License No.: ABRA- 091974  
Licensee: JBS, Inc.  
Trade Name: Rocklands Barbeque and Grilling Company  
License Class: Retailer's Class "D" Tavern  
Address: 1271 1<sup>st</sup> 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 14<sup>th</sup> 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 14, 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 1<sup>st</sup> 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.

**\*CORRECTED NOTICE\*****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 14\*, 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 14<sup>th</sup> 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 14\*, 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 with 80 seats.

**HOURS OF OPERATION**

Sunday through Saturday 7:00 am – 4:00 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 Saturday 7:00 am – 4:00 am

**HOURS OF ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION OF SUMMER GARDEN**

Sunday through Thursday 8:00 am – 2:00 am; Friday & Saturday 8:00 am – 3:00 am

**HOURS OF ENTERTAINMENT**

Sunday through Thursday 6:00 pm – 2:00 am; Friday & Saturday 6:00 pm – 3:00 am

**HOURS OF ENTERTAINMENT ON SIDEWALK CAFE**

Sunday through Thursday 6 pm – 2 am and Friday & Saturday 6 pm – 3 am

**CORRECTION \***



**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 14, 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 14<sup>th</sup> 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 August14, 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; Friday and Saturday 8:00 am to 3:00 am.

**HOURS OF LIVE ENTERTAINMENT**

Sunday through Thursday 11:00 am to 2:00 am; Friday and Saturday 11:00 am to 3:00 am.

**\*CORRECTED NOTICE\***

**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 14\*, 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 14<sup>th</sup> 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 14\*, 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

**\*CORRECTED NOTICE\***

**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 14\*, 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 14<sup>th</sup> 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 14\*, 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

**\*CORRECTED NOTICE\***

**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 14\*, 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 14<sup>th</sup> 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 14\*, 2013.

**NATURE OF OPERATION**

Restaurant serving primarily chicken and side dishes with seating for 148 patrons and total occupancy load of 160. Sidewalk Café and Summer Garden with combined 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

**HOURS OF OPERATION AND ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION FOR SUMMER GARDEN**

Sunday through Thursday 11:00 am – 11:00 pm; Friday & Saturday 11:00 am – 12:00 am

**\*CORRECTION\***

**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 14, 2013

License No.: ABRA-092054  
Licensee: Christian-Johnson-Sheffield Corp.  
Trade Name: Café Midar  
License Class: Retailer’s Class “C” Tavern  
Address: 5413 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 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 14<sup>th</sup> 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 14, 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

**\*CORRECTION\***

**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 14<sup>th</sup> 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 12:00 pm\*- 1:45 am; Friday and Saturday 12:00\* 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

**\*CORRECTED NOTICE\***

**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 14\*, 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 14<sup>th</sup> 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 14\*, 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 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: 5/10/2013  
PETITION DATE: 6/24/2013  
HEARING DATE: 7/8/2013

License Number: ABRA-060044  
License Class/Type: C Multipurpose  
ANC: 1B

Applicant: U Street Theatre Foundation, Inc.  
Trade Name: Lincoln Theatre  
Premise Address: 1215 U ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	10 am - 3 am	2 pm - 2 am	-
MON:	10 am - 3 am	2 pm - 2 am	-
TUE:	10 am - 3 am	2 pm - 2 am	-
WED:	10 am - 3 am	2 pm - 2 am	-
THU:	10 am - 3 am	2 pm - 2 am	-
FRI:	10 am - 3 am	2 pm - 2 am	-
SAT:	10 am - 3 am	2 pm - 2 am	-

License Number: ABRA-084925  
License Class/Type: C Restaurant  
ANC: 1A

Applicant: Rome-Rome Productions, LLC  
Trade Name: Morgan's Seafood Bar & Grill  
Premise Address: 3200 GEORGIA AVE NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	10 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	-



## 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: 5/10/2013

PETITION DATE: 6/24/2013

HEARING DATE: 7/8/2013

License Number: ABRA-086025

Applicant: 901 DC LLC

License Class/Type: C Restaurant

Trade Name: 901 Restaurant &amp; Bar

ANC: 2C

Premise Address: 901 9TH ST 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:	11 am - 2 am	11 am - 2 am	11 am - 12 am	11 am - 12 am	-
MON:	11 am - 2 am	11 am - 2 am	11 am - 12 am	11 am - 12 am	-
TUE:	11 am - 2 am	11 am - 2 am	11 am - 12 am	11 am - 12 am	-
WED:	11 am - 2 am	11 am - 2 am	11 am - 12 am	11 am - 12 am	-
THU:	11 am - 2 am	11 am - 2 am	11 am - 12 am	11 am - 12 am	-
FRI:	11 am - 3 am	11 am - 3 am	11 am - 12 am	11 am - 12 am	-
SAT:	11 am - 3 am	11 am - 3 am	11 am - 12 am	11 am - 12 am	-

License Number: ABRA-087574

Applicant: District Kitchen LLC

License Class/Type: C Restaurant

Trade Name: New District Kitchen

ANC: 3C

Premise Address: 2606 Connecticut 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:	11 am - 2 am	11 am - 2 am	11:30 am - 11:30 pm	11:30 am - 11:30 pm	-
MON:	11 am - 2 am	11 am - 2 am	11:30 am - 11:30 pm	11:30 am - 11:30 pm	-
TUE:	11 am - 2 am	11 am - 2 am	11:30 am - 11:30 pm	11:30 am - 11:30 pm	-
WED:	11 am - 2 am	11 am - 2 am	11:30 am - 11:30 pm	11:30 am - 11:30 pm	-
THU:	11 am - 2 am	11 am - 2 am	11:30 am - 11:30 pm	11:30 am - 11:30 pm	-
FRI:	11 am - 3 am	11 am - 3 am	11:30 am - 11:30 pm	11:30 am - 11:30 pm	-
SAT:	11 am - 3 am	11 am - 3 am	11:30 am - 11:30 pm	11:30 am - 11:30 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: 5/10/2013  
 PETITION DATE: 6/24/2013  
 HEARING DATE: 7/8/2013

License Number: ABRA-087084  
 License Class/Type: C Restaurant  
 ANC: 2A

Applicant: BBP K Street, LLC  
 Trade Name: Bobby's Burger Palace  
 Premise Address: 2121 K ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	11 am - 10 pm	11 am -10 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 - 12 am	11 am - 12 am	-
SAT:	11 am - 12 am	11 am - 12 am	-

License Number: ABRA-091046  
 License Class/Type: C Restaurant  
 ANC: 2B

Applicant: The Noodles Shop, Co. - Colorado Inc.  
 Trade Name: Noodles & Company  
 Premise Address: 1667 K ST NW

Endorsements: Sidewalk Cafe, Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Sidewalk Cafe Operation	Hours of Summer Garden Operation	Hours of Entertainment
SUN:	10am - 10pm	10am -10pm	10am - 10pm	10am - 10pm	-
MON:	10am - 10pm	10am - 10pm	10am - 10pm	10am - 10pm	-
TUE:	10am - 10pm	10am - 10pm	10am - 10pm	10am - 10pm	-
WED:	10am - 10pm	10am - 10pm	10am - 10pm	10am - 10pm	-
THU:	10am - 10pm	10am - 10pm	10am - 10pm	10am - 10pm	-
FRI:	10am - 11pm	10am - 11pm	10am - 11pm	10am - 11pm	-
SAT:	10am - 11pm	10am - 11pm	10am - 11pm	10am - 11pm	-

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Posting Date: May 10, 2013  
Petition Date: June 24, 2013  
Hearing Date: July 8, 2013

License No.: ABRA-080957  
Licensee: Fusion D & Q, LLC  
Trade Name: Fusion Restaurant and Bar  
License Class: Retail Class "C" Restaurant  
Address: 4815 Georgia Avenue, NW  
Contact: Ana Quinones – 202-726-2210

WARD 4

ANC 4D

SMD 4D06

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, 2000 14<sup>th</sup> Street, N.W., 400 South, Washington, DC 20009. All petitions and/or requests to appear before the Board must be filed on or before the Petition Date.

**NATURE OF SUBSTANTIAL CHANGE**

Class Change from a "C" Restaurant to a Class "C" Tavern

**HOURS OF OPERATION**

Sunday through Saturday 10:30 am – 2:00 am

**HOURS OF ALCOHOLIC BEVERAGE SALES**

Sunday through Saturday 11:00 am – 2:00 am

**HOURS FOR ENTERTAINMENT**

Sunday through Saturday 6:00 pm – 2:00 am

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION****NOTICE OF PUBLIC HEARING**

Posting Date: May 10, 2013  
Petition Date: June 24, 2013  
Roll Call Hearing Date: July 8, 2013  
Protest Hearing Date: August 14, 2013

License No.: ABRA-092075  
Licensee: PQ Union Station, Inc.  
Trade Name: Le Pain Quotidien  
License Class: Retailer's Class "D" Restaurant  
Address: 50 Massachusetts Ave., NE  
Contact: Vincent Herbert, President (917) 568-9051

WARD 6

ANC 6C

SMD 6C04

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 14<sup>th</sup> 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 14, 2013.

**NATURE OF OPERATION**

New Communal table restaurant and bakery store.  
Seating Capacity is 68.  
Total occupancy load is 83.

**PROPOSED HOURS OF OPERATION FOR PREMISES:**

Sunday through Saturday 7:00 am – 10:00 pm.

**PROPOSED HOURS OF SALES/SERVICE/CONSUMPTION FOR PREMISES:**

Sunday through Saturday 8:00 am – 10:00 pm.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: May 10, 2013
Petition Date: June 24, 2013
Hearing Date: July 8, 2013
Protest Hearing Date: August 14, 2013

License No.: ABRA-092127
Licensee: Meat and Foods, LLC
Trade Name: Meat & Foods
License Class: Retailer's Class "C" Restaurant
Address: 247 Florida Ave., NW
Contact: Cheryl Webb 202-277-7461

WARD 5 ANC 5E SMD 5E06

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 14, 2013.

NATURE OF OPERATION

Neighborhood restaurant serving house made sausages, sides, coffee and beverages with seating capacity for 12 patrons and total occupancy load of 12. Sidewalk cafe with 4 seats.

HOURS OF OPERATION

Sunday through Saturday 9:00 am – 12:00 am

HOURS OF ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION

Sunday through Saturday 11:00 am – 12:00 am

HOURS OF OPERATION AND ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION ON SIDEWALK CAFE

Sunday through Saturday 12:00 pm – 10:00 pm

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Posting Date: May 10, 2013  
Petition Date: June 24, 2013  
Roll Call Hearing Date: July 8, 2013  
License No.: ABRA 000460

Licensee: Balances Columbia Restaurant, Inc.  
Trade Name: Millie and Al's Balances Columbia Restaurant  
License Class: Retailer's Class "C" Restaurant  
Address: 2440-18<sup>th</sup> St., NW  
Contact: Barbara Shapiro: 202-387-8131

WARD 1                      ANC 1C                      SMD 1C03

Notice is hereby given that this licensee 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 change on the Hearing date at 10:00 am, 2000 14th Street, NW, 4<sup>th</sup> Floor, Washington, D.C. 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 Sidewalk Café with 8 seats.

**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 pm; Friday 4:00 pm – 3:00 am; Saturday 12:00 pm – 3:00 am.

**APPROVED HOURS OF LIVE ENTERTAINMENT:**

Sunday through Thursday 9:30 pm -1:45 am; Friday and Saturday 6:00 pm – 2:30 am.

**PROPOSED HOURS OF OPERATION FOR SIDEWALK CAFÉ:**

Sunday 12:00 pm – 2:00 am; Monday through Thursday 3:00 pm – 2:00 pm; Friday 3:00 pm – 3:00 am; Saturday 12:00 pm – 3:00 am.

**PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE FOR SIDEWALK CAFÉ:**

Sunday 12:00 pm – 1:45 am; Monday through Thursday 4:00 pm – 1:45 pm; Friday 4:00 pm – 2:45 am; Saturday 12:00 pm – 2:45 am.

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Posting Date: May 10, 2013  
 Petition Date: June 24, 2013  
 Roll Call Hearing Date: July 8, 2013  
 Protest Hearing Date: August 14, 2013

License No.: ABRA-092083  
 Licensee: Morini D.C. LLC  
 Trade Name: Osteria Morini/Nicoletta  
 License Class: Retailer’s Class “C” Restaurant  
 Address: 301 Water Street, S.E.  
 Contact: Stephen J. O’Brien, 202-625-7700

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 14<sup>th</sup> 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 14, 2013.

**NATURE OF OPERATION**

New full service, fine dining restaurant specializing in authentic Italian food. Separate kiosk for casual dining and takeout/delivery. Inside seating capacity is 165. Two summer gardens with a total of 136 seats. Background music, occasional live music and/or DJ will be provided.

**HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE AND CONSUMPTION FOR INSIDE PREMISES AND SUMMER GARDENS**

Sunday through Thursday 8:00 am – 2:00 am; Friday & Saturday 8:00 am – 3:00 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 10, 2012  
Petition Date: June 24, 2013  
Hearing Date: July 8, 2012

License No.: ABRA-010810  
Licensee: Canal Square Restaurant Corporation  
Trade Name: The Sea Catch  
License Class: Retailer’s Class “C” Restaurant  
Address: 1054 31<sup>st</sup> Street, NW  
Contact: Ken Chase, 202-337-8855

WARD 2

ANC 2E

SMD 2E05

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 14<sup>th</sup> 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 add a second Summer Garden with seats for approximately 20 patrons.

**CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE AND CONSUMPTION FOR PREMISES**

Sunday through Thursday 12:00 pm – 2:00 am; Friday & Saturday 12:00 pm – 3 am

**CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE AND CONSUMPTION FOR EXISTING SUMMER GARDEN**

Sunday through Saturday 11:30 am - 10:00 pm

**PROPOSED HOURS OF OPERATION ALCOHOLIC BEVERAGE SALES/SERVICE AND CONSUMPTION FOR SECOND SUMMER GARDEN**

Sunday through Saturday 11:30 am – 10:00 pm



**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
TUESDAY, JULY 16, 2013  
441 4<sup>TH</sup> STREET, N.W.  
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

**TO CONSIDER THE FOLLOWING:** The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

**9:30 A.M. MORNING HEARING SESSION**

**A.M.**

**WARD FOUR**

18587  
ANC-4A      **Application of Lester Foote**, pursuant to 11 DCMR § 3104.1, for a special exception under section 223, to allow a rear addition to an existing one-family detached dwelling not meeting the lot occupancy (section 403), side yard (section 405) and nonconforming structure (subsection 2001.3) requirements in the SSH/R-1-B District at premises 5714 16<sup>th</sup> Street, N.W. (Square 2723W, Lot 15).

**WARD FOUR**

18585  
ANC-4D      **Application of Ronald J. and Maria Webb Gomes**, pursuant to 11 DCMR § 3103.2, for a variance to allow a flat (two-family dwelling) under subsection 320.3, in the R-3 District at premises 446 Emerson Street, N.W. (Square 3251, Lot 214).

**WARD EIGHT**

18589  
ANC-8E      **Application of D.C. Housing Authority**, pursuant to 11 DCMR § 3104.1, for a special exception to construct a new 24 unit multi-family residential development under section 353, in the R-5-A District at premises 400-408 Atlantic Street, S.E. and 401-407 Condon Terrace, S.E. (Square 6156, Lot 119).

**WARD ONE**

**THIS APPEAL WAS POSTPONED FROM THE APRIL 30, 2013, PUBLIC HEARING SESSION:**

## BZA PUBLIC HEARING NOTICE

JULY 16, 2013

PAGE NO. 2

18539            **Appeal of 2101 Connecticut Avenue Cooperative Apartments, Inc.,**  
ANC-1C            pursuant to 11 DCMR §§ 3100 and 3101, from a December 5, 2012  
decision by the Department of Consumer and Regulatory Affairs to allow  
the conversion of an existing one-family dwelling into a 9 unit apartment  
building in the R-5-B District at 2014 Kalorama Road, N.W. (Square  
2537, Lot 301).

**WARD ONE****THIS APPEAL WAS POSTPONED FROM THE APRIL 30, 2013, PUBLIC  
HEARING SESSION:**

18540            **Appeal of 2101 Connecticut Avenue Cooperative Apartments, Inc.,**  
ANC-1C            pursuant to 11 DCMR §§ 3100 and 3101, from a December 5, 2012  
decision by the Department of Consumer and Regulatory Affairs to allow  
the conversion of an existing one-family dwelling into a 8 unit apartment  
building in the R-5-B District at 2012 Kalorama Road, N.W. (Square  
2537, Lot 150).

**WARD THREE**

18588            **Appeal of Alexi Stavropoulos,** pursuant to 11 DCMR §§ 3100 and 3101,  
ANC-3D            from a February 5, 2013 decision by the Department of Consumer and  
Regulatory Affairs, not to permit an addition to an accessory garage that  
exceeds the height limit in the WH/R-1-B District at premises 3215 45<sup>th</sup>  
Street, N.W. (Square 1606, Lot 819).

**PLEASE NOTE:**

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to Subsection 3117.4, of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board. 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 Board, not less than**

## BZA PUBLIC HEARING NOTICE

JULY 16, 2013

PAGE NO. 3

**14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.** 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](http://www.dcoz.dc.gov). All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4<sup>th</sup> Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

**LLOYD J. JORDAN, CHAIRMAN, NICOLE C. SORG, VICE CHAIRPERSON,  
S. KATHRYN ALLEN, JEFFREY L. HINKLE AND A MEMBER OF THE  
ZONING COMMISSION ----- BOARD OF ZONING ADJUSTMENT,  
CLIFFORD W. MOY, SECRETARY TO THE BZA, SARA A. BARDIN,  
DIRECTOR, OFFICE OF ZONING.**

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF PUBLIC HEARING**

**TIME AND PLACE:** **Thursday, June 27, 2013, @ 6:30 P.M.**  
**Jerrily R. Kress Memorial Hearing Room**  
**441 4<sup>th</sup> Street, NW, Suite 220**  
**Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**CASE NO. 05-36G (CASCO, Inc. & K Street Developers, LLC - Modification of Previously-Approved PUD and Related Zoning Map Amendment @ Square 749)**

**THIS CASE IS OF INTEREST TO ANC 6C**

On September 14, 2012, the Office of Zoning received an application from CASCO Inc. and K Street Developers, LLC, to modify an approved planned unit development (“PUD”) to include additional land in Square 749 into the multi-phase project in order to construct approximately 41 additional dwelling units, for a total of approximately 750 residential units across the entire PUD. On September 14, 2012, the Office of Zoning also received an application from CASCO, Inc. for a related Zoning Map amendment to rezone Lots 31, 804, and 805 in Square 749 from C-2-B to C-3-C. The Office of Planning provided its report to the Zoning Commission on October 19, 2012, recommending that the Commission schedule a public hearing on the applications and requesting additional details. At its November 14, 2012 public meeting, the Commission set the applications for public hearing. As part of its prehearing submission of materials filed with the Office of Zoning on April 9, 2013, the PUD modification and Zoning Map amendment applications were supplemented to include Lot 830 in Square 749, measuring approximately 249 square feet, which was created as a result of the closure of a small stub alley in Square 749.

The applications regard modification of a PUD first approved by the Commission in 2006, pursuant to Z.C. Order No. 05-36, which has been extended and amended by subsequent Commission approvals. The property now included in the PUD, Lot 67 in Square 749 occupies the entirety of Square 749, with a lot area of approximately 101,000 square feet. Square 749 is bounded by 2<sup>nd</sup> Street, N.E., L Street, N.E., 3<sup>rd</sup> Street, N.E., and K Street, N.E. Lot 67 has been divided for assessment and taxation purposes into Lots 826, 827, and 828, with separate ownership interests.

The PUD involved construction of a multi-phase apartment house development around an outdoor central plaza, with a total of approximately 712 dwelling units, including approximately 78 units dedicated for affordable housing, ground floor retail, and daycare uses, with a total gross floor area of approximately 850,000 square feet. Of the total development, the first phase, which has been constructed, includes approximately 202 dwelling units and 3,700 square feet of retail uses. Phase II of the PUD, which has not yet been constructed, was approved for 500 dwelling units, approximately 14,000 square feet of retail uses and a 3,500 square foot daycare facility.

**Z.C. PUBLIC HEARING NOTICE**  
**Z.C. CASE NO. 05-36G**  
**PAGE 2**

The Commission granted approval, pursuant to Z.C. Order No. 05-36E, for Phase II to be constructed in two sub-phases.

The present applications seek to modify the PUD in order to add a third phase to the PUD on land adjacent to Lot 67 in Square 749, namely, four lots in the northeast corner of Square 749 (Lots 31, 804, 805, and 830), which properties are owned by CASCO, Inc., and total approximately 5,295 square feet in land area. Phase II of the PUD is to be constructed on the portions of Lot 67 known for assessment and taxation purposes as Lots 826 and 827. Phase I of the PUD is located on that portion of Lot 67 known for assessment and taxation purposes as Lot 828, owned by Union Place Phase I, LLC, which entity is not a party to the present modification application. CASCO, Inc. has filed a related Zoning Map amendment application to rezone its property, Lots 31, 804, 805, and 830 in Square 749, from C-2-B to C-3-C, consistent with the zoning for Lot 67 and the PUD.

The proposed third phase will be a free-standing seven-story apartment house, totaling approximately 41 dwelling units, including a number of dedicated affordable units, and 34,293 square feet of gross floor area. No automobile parking is proposed to be provided in this third phase. As part of the request for modification of the PUD, flexibility is also requested to provide a rear yard not meeting the setback requirements of 11 DCMR 774.1.

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.

**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

Z.C. PUBLIC HEARING NOTICE  
Z.C. CASE NO. 05-36G  
PAGE 3

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 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.

If an affected Advisory Neighborhood Commission (ANC), pursuant to 11 DCMR 3012.5, intends to participate at the hearing, the ANC shall 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.

**Time Limits.**

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 responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200-S, 441 4<sup>th</sup> 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, July 1, 2013 @ 6:30 P.M.**  
**Jerrily R. Kress Memorial Hearing Room**  
**441 4<sup>th</sup> Street, N.W., Suite 220**  
**Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**Z.C. Case No. 08-07 (Four Points, LLC on behalf of Curtis Properties, Inc., et al @ Squares 5772, 5783, 5784, and 5785 - First-Stage Planned Unit Development & Map Amendment)**

**THIS CASE IS OF INTEREST TO ANC 8A**

On March 31, 2008, the Office of Zoning received an application from Four Points, LLC, on behalf of Curtis Properties, Inc., 2200 Railroad LLC, JCX-Right Realty Inc., HS White, and Anacostia Professional Building Revocable Trust (collectively the "Applicant").

The Applicant initially sought first-stage planned unit development ("PUD") approval for portions of the property, consolidated planned unit development approval for the remaining portions of the property, and related amendments to the Zoning Map. The Office of Planning submitted a report on May 30, 2008. At its regularly scheduled public meeting of June 6, 2008, the Zoning Commission voted to set the application down for a public hearing, but only as a preliminary PUD and related map amendment.

In a letter dated June 11, 2008, the Applicant expressed its appreciation for the Commission's action, but suggested that "the Commission exercise its discretion to set the case down as a *Preliminary and Consolidated PUD and Related Map Amendment*, subject to the Commission's reservation of it [sic] rights pursuant to 11 DCMR § 2402.6 to ultimately determine which portions of the development will be approved on a preliminary basis and which portions will be approved on a consolidated basis." (Emphasis in original). The Commission considered the Applicant's request as a correspondence item at a special public meeting held June 16, 2008 and directed the Applicant to revise its application as a preliminary PUD.

By letter dated June 24, 2008, the Applicant revised its application to seek first-stage review for Square 5772, Lots 827, 829, 831, 880, 984, 1017, and 1019; Square 5783, Lots 829 and 1018; Square 5784, Lots 898, 899, and 900; and Square 5785, Lots 839 and 906. The Applicant is also seeking an amendment to the zoning map to rezone: (i) portions of Lots 984 and 1019 in Square 5772 from C-3-A/C-M-1 to C-3-A; (ii) Lots 829 and 1018 in Square 5783 from C-2-A to C-3-A; (iii) Lots 898, 899, and 900 in Square 5784 from C-2-A to C-3-A; and (iv) Lot 906 in Square 5785 from C-2-A/C-3-A to C-3-A.

The Applicant provided its prehearing statement on April 19, 2013.

Z.C. PUBLIC HEARING NOTICE  
Z.C. CASE NO. 08-07  
PAGE 2

The property that is the subject of this application is located in the southeast quadrant of the District. The property is generally bounded by U Street, S.E. to the north, Martin Luther King, Jr. Avenue to the east, Chicago Street to the south, and Interstate 295 to the west. The property has a combined land area of approximately 340,467 square feet. The property is located in Ward 8 and within the boundaries of Advisory Neighborhood Commission (“ANC”) 8A.

The proposed project is a mixed-use development composed of retail, office and residential uses. The overall project will have a density of 4.8 FAR, as permitted under the C-3-A requirements with the utilization of bonus density permitted under the Inclusionary Zoning provisions, and will include approximately 627,840 square feet of residential uses, 144,000 square feet of retail uses, and 902,400 square feet of office uses once the project is completely built-out. The buildings will have varying heights and cornice lines and will be constructed to a maximum height of 90 feet. The project will have an overall lot occupancy of approximately 83% and will include a total of 1,486 off-street parking spaces.

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 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          |



**Z.C. PUBLIC HEARING NOTICE  
Z.C. CASE NO. 08-07  
PAGE 3**

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 4<sup>th</sup> 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 RESCHEDULED<sup>1</sup> PUBLIC HEARING

**TIME AND PLACE:** Monday, July 15, 2013, @ 6:30 p.m.  
Jerrily R. Kress Memorial Hearing Room  
441 4<sup>th</sup> 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.

<sup>1</sup> This hearing was previous scheduled for July 15, 2013.

**Z.C. NOTICE OF PUBLIC HEARING  
Z.C. CASE NO. 11-22  
PAGE 2**

- 412.4 The maximum height of a retaining wall regardless of location shall be six feet (6 ft.).
- 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 4<sup>th</sup> 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 CARE FINANCE

## NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code §1-307.02 (2006 Repl.; & 2012 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code §7-771.05(6) (2008 Supp.)), hereby gives notice of the adoption, of an amendment to Section 964 (Dental Services) of Chapter 9 (Medicaid Program) of Title 29 of the District of Columbia Municipal Regulations (DCMR).

DHCF currently reimburses costs associated with 149 dental procedure codes. These rules will authorize DHCF, effective January 1, 2013, to: (1) discontinue reimbursement for services related to six (6) dental procedure codes for non-institutionalized adults, mainly due to the fact that these codes are more appropriate for children than for adults; (2) reduce reimbursement for services related to approximately one hundred and twenty six (126) dental procedure codes for non-institutionalized adults; and (3) add twenty-two (22) dental procedure codes to all dental fee schedules and two (2) additional codes to the EPSDT dental fee schedule for beneficiaries under twenty-one (21) years of age. There are no reductions in the reimbursement related to dental procedure codes for children, beneficiaries enrolled in the Waiver for Individuals with Intellectual and Developmental Disabilities, and beneficiaries residing in Intermediate Care Facilities for Individuals with Intellectual and Developmental Disabilities. The District will realize savings of approximately 1.8 million dollars as a result of these changes.

A notice of emergency and proposed rulemaking was published in the *D.C. Register* on January 18, 2013 (60 DCR 000432). No comments were received and no substantive changes have been made. This final rulemaking was adopted on April 18, 2013 and will become effective on the date of publication of this notice in the *DC Register*.

**Section 964.10 (DENTAL SERVICES) of Chapter 9 (MEDICAID PROGRAM) of Title 29 (PUBLIC WELFARE) of the DCMR is deleted in its entirety and amended to read as follows:**

964.10        Effective for services rendered on or after January 1, 2013, reimbursement for dental procedure codes for non-institutionalized adults shall be reduced. Reimbursement for dental services shall be made according to the District of Columbia Medicaid fee schedule available online at <http://www.dc-medicaid.com> and shall cover all services related to the procedure.

**THE DISTRICT OF COLUMBIA**  
**LOTTERY AND CHARITABLE GAMES CONTROL BOARD**  
**NOTICE OF FINAL RULEMAKING**

The Executive Director of the District of Columbia Lottery and Charitable Games Control Board, pursuant to the authority set forth in D.C. Official Code §§ 1-204.24a(c)(6) (2012 Supp.); §§ 3-1306 and 3-1321 (2007 Repl.); District of Columbia Financial Responsibility and Management Assistance Authority Order, issued September 21, 1996; and Office of the Chief Financial Officer Financial Management Control Order No. 96-22, issued November 18, 1996, hereby gives notice of its intent to amend Chapters 3 and 99 of Title 30, "Lottery and Charitable Games," of the District of Columbia Municipal Regulations (DCMR). The amendments will allow D.C. Lottery and its agents the option of accepting debit cards as a method of payment from customers for lottery sales.

The Notice of Proposed Rulemaking was published in *D.C. Register* on April 5, 2013 at 60 DCR 5160. Final action to adopt these rules as final took place on May 6, 2013. No comments were received, and no substantive changes were made to the rulemaking. These final rules will become effective upon publication of this notice in the *D.C. Register*.

**Chapter 3, AGENT REQUIREMENTS, of Title 30 of the DCMR is amended to read as follows:**

**Amend Section 308, "AGENT RESPONSIBILITIES" to read as follows:**

308.1 Agents shall do the following:

- (a) Provide for the sale of lottery tickets in accordance with instructions issued by the Agency;
- (b) Accept only cash or debit cards for the sale of lottery tickets.
  - (1) Agents are not required to accept debit cards for the sale of lottery tickets, but if an Agent chooses to accept debit cards, the Agent shall be responsible for any costs, fees or charge backs that may be associated with debit card lottery sales.
  - (2) Agents may not charge a fee associated with accepting debit cards for lottery ticket sales.
- (c) Sell lottery tickets during all hours and days that the agent's establishment is open for business, at the location set forth in the license;
- (d) Render services which meet the standards of the reasonable prudent

business person;

- (e) Be financially responsible to the Agency for all revenues derived from the sale of lottery tickets and all tickets that are cashed or cancelled and are later presented to the Agency for payment;
- (f) Be financially responsible to destroy all cashed lottery tickets and all cancelled lottery tickets;
- (g) Post prominently point-of-sale and other promotional materials supplied by the Agency;
- (h) Attend all training sessions;
- (i) Provide a site for the location of any on-line computer terminal assigned to the agent;
- (j) Provide, prior to the installation of the on-line computer terminal, a dedicated electrical double duplex "U" grounded outlet on a separate circuit that remains on twenty-four (24) hours a day for the exclusive use of the on-line computer terminal, which outlet shall be located within five feet (5 ft.) of the on-line computer terminal;
- (k) Provide sufficient space for the proper operation of the on-line computer terminal at the site approved by the Agency;
- (l) Exercise due diligence in the operation and care of the on-line computer terminal and immediately notify the Agency's computer operation center of any on-line computer terminal malfunction;
- (m) Permit a representative of the Agency to conduct on-site inspections of lottery property, including the on-line computer terminal, during the agent's normal hours of operation;
- (n) Provide for the cashing of all lottery tickets and pay all claims up to a maximum of six hundred dollars (\$600.00), or such other amount as may be determined by the Executive Director, in cash, regardless of where the winning lottery ticket was purchased;
- (o) Cash checks for lottery winnings without charging fees;
- (p) Ascertain the winning numbers and immediately post them in a prominent place after each drawing;
- (q) Replace ribbons and ticket stock as required in the on-line computer terminal;

- (r) Perform no mechanical or electrical maintenance on the on-line computer terminal;
- (s) Notify the Agency in writing at least fourteen (14) days in advance of the agent's intent to temporarily cease operations (e.g., vacation), or as soon as possible in the case of an emergency;
- (t) Notify the Agency in writing of a change of address of the location, type of establishment or ownership of the establishment, in accordance with § 206 of this title;
- (u) Notify the Agency in writing seven (7) days in advance of a change of bank account maintained for the deposit of on-line revenues pursuant to § 305.1.
- (v) Pay the cost for all telephone lines resulting from agent relocations;
- (w) Permit no persons under eighteen (18) years of age to sell lottery tickets;
- (x) Provide a certificate of insurance, which indicates that the agent has and maintains casualty insurance, approved by the Agency, to cover the replacement cost of the on-line computer terminal and other Agency property assigned to the agent. The agent shall notify the Agency in writing of any change in insurance coverage fifteen (15) days in advance of the change; and
- (y) Not sell lottery tickets to anyone under the age of eighteen (18).

**Chapter 99, DEFINITIONS, of Title 30 of the DCMR is amended as follows:**

**Section 9900, DEFINITIONS, is amended by adding the following terms and definitions:**

**DEBIT CARD -** A card used to pay for purchases by electronic transfer from the purchaser's bank account. A debit card is not a credit card.

**THE DISTRICT OF COLUMBIA**  
**LOTTERY AND CHARITABLE GAMES CONTROL BOARD**  
**NOTICE OF FINAL RULEMAKING**

The Executive Director of the District of Columbia Lottery and Charitable Games Control Board, pursuant to the authority set forth in D.C. Official Code §§ 1-204.24a(c)(6) (2012 Supp.); §§ 3-1306 and 3-1321 (2007 Repl.); District of Columbia Financial Responsibility and Management Assistance Authority Order, issued September 21, 1996; and Office of the Chief Financial Officer Financial Management Control Order No. 96-22, issued November 18, 1996, hereby gives notice of its intent to amend Chapters 9 and 99 of Title 30 “Lottery and Charitable Games” of the District of Columbia Municipal Regulations (DCMR). The amendments are necessary to implement unilateral changes to a national Hot Lotto® game. These changes to the game start on May 12, 2013.

The Notice of Proposed Rulemaking was published in *D.C. Register* on April 5, 2013 at 60 DCR 5163. Final action to adopt these rules as final took place on May 06, 2013. No comments were received, and no substantive changes were made to the rulemaking. These final rules will become effective upon publication of this notice in the *D.C. Register*.

**AMEND CHAPTER 9. “DESCRIPTION OF ON-LINE GAMES”**

**Amend Sections 940 through 944 to read as follows:**

**940 DESCRIPTION OF THE HOT LOTTO® GAME**

- 940.1 The Agency may offer a game known as Hot Lotto® to the public.
- 940.2 The provisions of §§ 501.2, 503.4, 503.5, 607.2, 611.1, and 805.1 shall apply to ticket purchase, void and cancelled tickets, ticket validation, and prize payments in the Hot Lotto® game.
- 940.3 Hot Lotto® is a five (5) out of forty-seven (47) plus one (1) out of nineteen (19) on-line lottery game that pays Grand Prize payments as a cash lump sum payment on a pari-mutuel basis. All prizes are paid on a cash basis. To play Hot Lotto®, a player shall select five (5) different numbers, between one (1) and forty-seven (47) and one (1) additional number between one (1) and nineteen (19), for input into a terminal. The additional number may be the same as one of the first five numbers selected by the player.
- 940.4 Drawings shall be held at the times and places established by MUSL Product Group and the results shall be subsequently announced to the public.



- 940.5 If a single ticket contains more than one (1) winning play on separate game boards, the prize amounts shall be added together and shall be paid in accordance with the prize payment limits set forth in §§ 940.6 and 943.
- 940.6 The holder of a winning Hot Lotto® ticket may win in only one prize category per board in connection with the winning numbers drawn, and shall be entitled only to the prize for the highest prize category won by those numbers.
- 940.7 The price of a Hot Lotto® game ticket shall be one play for one dollar (\$1) or any other price designated by the Executive Director from a price schedule adopted by the Agency.
- 940.8 A ticket subject to the validations requirements of this title shall be the only proof of a wager.

#### **941 PRIZE POOL**

- 941.1 The prize pool for all prize categories shall consist of fifty percent (50%) of each drawing period's sales, including tax, after the prize reserve accounts are funded consistent with all agreements in place governing the conduct of Hot Lotto®.
- 941.2 The prize money allocated to the Grand Prize category shall be awarded equally to the number of game boards winning a Grand Prize.
- 941.3 Any amount remaining in the prize pool at the end of each game shall be carried forward to a replacement game or expended in a manner consistent with all agreements in place governing the conduct of Hot Lotto® and in accordance with District law.
- 941.4 An amount equal to up to one percent (1%) of a Lottery's sales, including tax, shall be deducted from a Lottery's Grand Prize Pool and placed in trust in one or more prize reserve accounts when the Grand Prize exceeds \$2,000,000.00. An additional two percent (2%) of a Lottery's sales, including tax, shall be deducted from a Lottery's Grand Prize Pool and placed in trust in one (1) or more prize reserve accounts when the Grand Prize exceeds \$5,000,000.00 until the Lottery's share of the prize reserve account(s) reach(es) the amounts designated by MUSL Product Group.
- 941.5 The MUSL Product Group has established the following prize reserve accounts for the Hot Lotto® game: the Prize Reserve Account ("PRA"), which is used to guarantee the payment of valid, but unanticipated, Grand Prize claims that may result from a system error or other reason, and to fund deficiencies in low-tier prize payments (subject to the limitations of these rules); the Set-Aside Account, which is used to guarantee payment of the minimum or starting Grand Prize; the Hot Lotto® Sizzler Rollover Account, which is described in Part III of these rules; and the Lower Tier Prize Pool, which holds the temporary balances that

may result from having fewer than expected winners in the low-tier set prize categories. The source of the Lower Tier Prize Pool funds is the Party Lottery's weekly prize contributions less actual set prize liability.

**942 GRAND PRIZE PAYMENT**

942.1 Grand Prize Payments are made as a cash lump sum payment on a pari-mutuel basis.

942.2 A Grand Prize Winner shall receive a "Withholding Taxes Paid Prize."

942.3 "Withholding Taxes Paid Prizes" is a prize where the Lottery pays the prize winner a net prize amount, that consists of the Lottery reducing the "gross prize value" by the required federal and jurisdictional withholding taxes (if any), and withholding and depositing on behalf of the prize winner the required federal and jurisdictional withholding taxes (if any) on the "gross prize value" and the Lottery pays the prizewinner the residual amount (subject to any setoff requirements). Grand Prize winners will receive a Withholding Taxes Paid prize determined after deducting all applicable withholding taxes regardless of the "Advertised Grand Prize Amount", and which may be higher or lower than the "Advertised Grand Prize amount. Federal and jurisdictional withholding tax rates are subject to change and will be determined at the time the prize is awarded.

942.4 The "Withholding Taxes Paid" prize amount reported to the federal and jurisdictional revenue authorities by the Lottery as subject to income taxation shall reflect the amount paid to the prize winner and also the amount remitted as withholding taxes to the federal and jurisdictional authorities (if any) on behalf of the prize winner. The Lottery and MUSL Product Group are not responsible for additional income or other taxes applicable in excess of the amount withheld and remitted by the Lottery that may be due when the prizewinner files all tax returns for the year the prize is claimed; Prizewinners should verify personal tax liability with a financial adviser.

*For example*, if a single Grand Prize winner wins the "Advertised Grand Prize" of \$2,000,000.00 that has a gross prize value of \$3,050,000.00, and the federal withholding tax rate is 25% and the jurisdictional withholding tax rate is 6%, the Lottery will withhold and remit \$762,500.00 in federal tax withholding, \$183,000.00 in jurisdictional tax withholding and pay the prize winner \$2,104,500.00 in a single cash prize payment (subject to any setoff requirements); at the end of the tax year the Lottery will communicate to the prizewinner a W-2G Form showing prize won of \$3,050,000.00.

942.5 Grand Prize winners will receive a "Withholding Taxes Paid Prize" determined after deducting all applicable withholding taxes regardless of the "Advertised

Grand Prize Amount”, and which may be higher or lower than the “Advertised Grand Prize amount.”

- 943.6 Advertised Grand Prize Amount shall be the minimum cash amount that would be paid as a “Withholding Taxes Paid” prize to the Grand Prizewinner(s), on a pari-mutuel basis, after calculating the potential federal and jurisdictional withholding taxes, if any, to the Gross Grand Prize Amount. Minimum guaranteed prizes or increases may be waived if the alternate funding mechanism set out in §941.5.
- 942.7 Entitlement to the Hot Lotto® Grand Prize, or a per winner portion thereof, shall occur upon the:
- (a) Presentation of a winning Hot Lotto® lottery ticket for validation;
  - (b) Presentation of a completed and signed claim form at a Claim Center; and
  - (c) Satisfaction of all lottery ticket and claim validation requirements set forth in this title including, without limitation, all final determinations that may be required by the Executive Director.
- 942.8 A payment election made after entitlement to the prize occurs is final and cannot be revoked, withdrawn, or changed.
- 942.9 The Executive Director may adopt procedures, requirements, and documentation to complete a Hot Lotto® Grand Prize payment election. The Executive Director's acceptance of an election is conditional upon his or her determination that the election request is valid.
- 942.10 If the documentation required by the Executive Director to complete a prize election is to be completed and signed in the name of a legal entity, the entity must designate in writing one (1) duly authorized natural person to execute the documentation.
- 942.11 If a Hot Lotto® Grand Prize claimant is unable to complete the documentation required by the Executive Director for a prize payment election due to a legal, physical, or other disability, a duly authorized representative, guardian, conservator, custodian, or other fiduciary may complete and execute all required documentation on the claimant's behalf.
- 942.12 If a natural person completing the documentation required by the Executive Director to complete prize election is the personal representative of the estate of a deceased winner, or the authorized representative of a legal person or other entity entitled to claim the prize, he or she shall submit his or her letter of administration, trust, other authorizing documents, or their legal equivalent, showing an appointment from the court having jurisdiction over the estate, or other evidence of legally binding authorization.
- 942.13 A person who executes documentation required by the Executive Director to complete a prize election shall be considered to have represented that the information contained therein is accurate and complete. Any person who willfully submits false or fraudulent documentation may be prosecuted for the offense of

making a false statement in accordance with D.C. Official Code § 22-2405 (2001 ed.).

942.14 All provisions of this title relating to the election of a Hot Lotto® Grand Prize payment shall be interpreted in a manner that is consistent with the purposes, requirements, and restrictions of 26 U.S.C. § 451.

942.15 If the Hot Lotto® Grand Prize is not won in a drawing, the prize money allocated for the Hot Lotto® Grand Prize shall roll over.

942.16 Prior to a drawing the Product Group shall determine and publicly announce the “Advertised Grand Prize” amount for that drawing. The Gross Grand Prize Value amount, that is used to determine the Advertised Grand Prize amount, shall be a guaranteed amount, and the Product Group may offer guaranteed minimum Gross Grand Prize Value amounts or minimum increases in the Gross Grand Prize Value amount between drawings or make other changes in the allocation of prize money where the Product Group finds that it would be in the best interest of the game. Guaranteed Gross Grand Prize Value amounts shall be funded as determined by the Product Group.

942.17 Grand Prizewinner shares shall be determined as follows: if there are multiple Grand Prize winners during a single drawing, then a winner's share of the Grand Prize shall be determined by dividing the Gross Grand Prize Value by the number of winners.

942.18 A share of the Hot Lotto® Grand Prize may be rounded to facilitate the purchase of an appropriate funding mechanism. Funds remaining after the prize has been rounded down on a Hot Lotto® Grand Prize win, ("breakage"), shall be added to the first cash payment to the winner or winners. Prizes which, under this chapter, may become single-payment, pari-mutuel prizes, may be rounded down so that prizes can be paid in multiples of whole dollars. Breakage resulting from rounding these prizes shall be carried forward to the prize pool for the next draw.

**943 HOT LOTTO® PRIZE STRUCTURE**

943.1 The Hot Lotto® Grand Prize shall be determined on a pari-mutuel basis. Except as provided in these rules, all other prizes awarded shall be paid as set cash prizes with the following expected prize payout percentages.

943.2 Provided the prize pools are fully funded, the fixed prize payments for Hot Lotto® based on a one dollar (\$1) bet are as follows:

Number of Matches Per Play	Prize Payment	Prize Pool % Allocated to Prize
All five (5) of first set plus one (1) of the second set	Gross Grand Prize Value*	52.1188%

All five (5) of first set and none of the second set	\$30,000	3.7056%
Any four (4) of first set plus one (1) of the second set	\$3,000	4.3232%
Any four (4) of first set and none of the second set	\$100	2.5940%
Any three (3) of first set plus one (1) of the second set	\$50	2.9542%
Any three (3) of first set and none of the second set	\$6	6.3811%
Any two (2) of first set plus one (1) of the second set	\$6	4.7268%
Any one (1) of first set plus one (1) of the second set.	\$3	11.5214%
None of the first set plus one (1) of the second set	\$2	11.6750%

\* The above reflects the Gross Grand Prize Value; the “Advertised Grand Prize” is described elsewhere in these Rules. The Gross Grand Prize Value amount will be reduced by federal and jurisdictional withholding taxes (if any) that will be remitted by the Lottery on behalf of the prizewinner with the prizewinner receiving the residual amount as their Grand Prize payment (subject to offsets). The prize amount reported to the federal and jurisdictional revenue authorities by the Lottery as subject to income taxation shall reflect the amount paid to the prize winner (including any offsets) and also the amount remitted as withholding taxes to the federal and jurisdictional authorities (if any) on behalf of the prize winner.

- 943.3 The prize money allocated to the Gross Grand Prize Value category shall be divided equally by the number plays winning the Grand Prize.
- 943.4 If the prize pools are not fully funded and there are not sufficient funds in the prize pool to pay fixed prizes, the prizes shall be paid pursuant to § 943.5, including payment on a pari-mutuel basis if required.
- 943.5 The prize pool percentage allocated to the fixed prizes (the cash prize of \$30,000.00 thousand dollars or less) shall be carried forward to subsequent draws if all or a portion of it is not needed to pay the fixed prizes awarded in the current draw. If the total of the fixed prizes awarded in a drawing exceeds the percentage of the prize pool allocated to the fixed prizes, then the amount needed to fund the fixed prizes awarded shall be drawn from the following sources in the following order:
- (a) The amount allocated to the fixed prizes and carried forward from previous draws, if any.
  - (b) An amount from the Prize Reserve Account, if available, not to exceed the balance of that account.
  - (c) An amount from the set-aside account, if available not to exceed the balance of the account.
- 943.6 If, after these sources are depleted, there are not sufficient funds to pay the fixed prizes awarded, the highest fixed prize shall become a pari-mutuel prize. If the amount of the highest fixed prize when paid on a pari-mutuel basis, drops to or below the next highest fixed prize and there are still not sufficient funds to pay the remaining fixed prizes awarded, the next highest fixed prize shall become a pari-mutuel prize. This procedure shall continue down through all fixed prize levels, if necessary, until all fixed prize levels become pari-mutuel prize levels. In that

instance, the money available from the funding sources listed in this chapter shall be divided among the winning plays in proportion to their respective prize percentages.

943.7 Minimum guaranteed prizes or increases offered by the Executive Director pursuant to § 942.14 may be waived if the alternate funding mechanism set out in Subsections §§ 943.5 and 943.6 becomes necessary.

**944 PROBABILITY OF WINNING**

944.1 The following table sets forth the probability of winning and the probable distribution of winners in and among each prize category, based upon the total number of possible combinations in Hot Lotto®.

<b>Number of Matches Per Ticket</b>	<b>Probability Distribution</b>	<b>Probable/Set Prize Amount</b>
All five (5) of first set plus one (1) of the second set	1: 29,144,841	\$7,594,954.50* **
All five (5) of first set and none of the second set	1: 1,619,157.833333	\$30,000.00
Any four (4) of first set plus one (1) of the second set	1: 138,784.957143	\$3,000.00
Any four (4) of first set and none of the second set	1: 7,710.275397	\$100.00
Any three (3) of first set plus one (1) of the second set	1: 3,384.998955	\$50.00
Any three (3) of first set and none of the second set	1: 188.055497	\$6.00
Any two (2) of first set plus one (1) of the second set	1: 253.874922	\$6.00
Any one (1) of first set plus one (1) of the second set.	1: 52.076907	\$3.00
None of the first set plus one (1) of the second set	1: 34.261123	\$2.00
Overall	1: 17.217787	

\* The Grand Prize amount does not include the Prize Reserve Account (“PRA”) deduction or any other deductions, if any.

\*\* The Gross Grand Prize Value amount reflects the “Gross Prize Value”; the “Advertised Grand Prize” and “Withholding Taxes Paid Prize” amounts are discussed elsewhere in these Rules.

**AMEND CHAPTER 9. “DESCRIPTION OF ON-LINE GAMES”**

**Amend Section § 946 to read as follows:**

**946 SIZZLER PRIZE POOL, PRIZE CHART AND PROBABILITY**

946.1 The Sizzler Prize Pool for all prize categories shall consist of approximately forty-seven and eight thousand eight hundred thirteen ten thousandths percent (47.8813%) of each drawing period's sales, including any specific statutorily mandated tax of a Selling Lottery to be included in the price of a lottery ticket. Any amount remaining in the prize pool at the end of this game shall be carried forward to a replacement game or expended in a manner as directed by the MUSL Product Group in accordance with state law.

946.2 Provided the prize pools are fully funded, pursuant to §§ 943.5 and 943.6 of this chapter, the fixed prize payments for Sizzler based on a one dollar (\$1) bet are as follows:

<b>Match</b>	<b>Regular Prize Amount</b>	<b>Sizzler 3X</b>
All five (5) of first set and none of the second set	\$30,000.00	\$90,000.00
Any four (4) of first set plus one (1) of the second set	\$3,000.00	\$9,000.00
Any four (4) of first set and none of the second set	\$100.00	\$300.00
Any three (3) of first set plus one (1) of the second set	\$50.00	\$150.00
Any three (3) of first set and none of the second set	\$6.00	\$18.00
Any two (2) of first set plus one (1) of the second set	\$6.00	\$18.00
Any one (1) of first set plus one (1) of the second set.	\$3.00	\$9.00
None of the first set plus one (1) of the second set	\$2.00	\$6.00

946.3 The Hot Lotto® Grand Prize is not subject to the Sizzler multiplier.

946.4 The following table sets forth the probability of winning and the probable distribution of winners in and among each prize category, based upon the total number of possible combinations in the Hot Lotto® Sizzler game.

Match	Probability	Sizzler 3X
All five (5) of first set and none of the second set	1: 1,619,157.833333	\$90,000.00
Any four (4) of first set plus one (1) of the second set	1: 138,784.957143	\$9,000.00
Any four (4) of first set and none of the second set	1: 7,710.275397	\$300.00
Any three (3) of first set plus one (1) of the second set	1: 3,384.998955	\$150.00
Any three (3) of first set and none of the second set	1: 188.055497	\$18.00
Any two (2) of first set plus one (1) of the second set	1: 253.874922	\$18.00
Any one (1) of first set plus one (1) of the second set.	1: 52.076907	\$9.00
None of the first set plus one (1) of the second set	1: 34.261123	\$6.00

Overall odds of winning: 1:17

946.5 Prize Reserve Funding. Two and one thousand one hundred eighty-seven ten thousandths percent (2.1187%) of sales, including any specific statutorily mandated tax of a Selling Lottery to be included in the price of a lottery ticket, may be collected and placed in trust in the Sizzler Prize Pool or in one or more prize reserve accounts until the prize reserve accounts reach the amounts designated by the MUSL Product Group.

946.6 In certain rare instances, the Hot Lotto® set prize amount may be less than the amount shown. In such case, the Sizzler prizes will be a multiple of the new Hot Lotto® prize amount. For example, if the Match 5 of the first set and none of the second set Hot Lotto® set prize amount of \$30,000.00 becomes \$27,000.00 under the rules of the Hot Lotto® game, then a Sizzler player winning that prize would win \$81,000.00 (\$27,000.00 x 3).

**AMEND CHAPTER 99, “DEFINITIONS”**

**Amend Subsection 9900.1 by substituting the following:**

**Advertised Grand Prize** - a term used in the Hot Lotto® game that means the amount determined and publicly announced by the MUSL Product Group to be the Grand Prize for the drawing. The “Advertised Grand Prize” amount is not the Gross Grand Prize Value. The Advertised Grand Prize amount shall be the minimum cash amount that would be paid as a “Withholding Taxes Paid” prize to the Grand Prizewinner(s), on a pari-mutuel basis, after calculating the potential federal and jurisdictional withholding taxes, if any, applicable to resident United States citizens with a valid Social Security Number, to the Gross Grand Prize Amount. If a



Member Lottery advertises an “Estimated Grand Prize” that shall have the same meaning as an “Advertised Grand Prize”

**Gross Grand Prize Value** - a term used in the Hot Lotto® game that means the prize value prior to deductions for any applicable withholding taxes due the federal or jurisdictional governments.

**Withholding Taxes Paid Prize** – a term used in the Hot Lotto® game that means the prizes where the Lottery pays the prize winner a net prize amount, that consists of the Lottery withholding and depositing on behalf of the prize winner the required federal and jurisdictional withholding taxes (if any) on the “Gross Grand Prize Value” and the residual amount paid to the prize winner.

**DEPARTMENT OF MENTAL HEALTH****NOTICE OF FINAL RULEMAKING**

The Director of the Department of Mental Health (Department), 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.)), hereby gives notice of an amendment to Chapter 51, “Supported Employment Program — Reimbursement,” of Subtitle A, “Mental Health”, of Title 22, “Health” of the District of Columbia Municipal Regulations.

The Department provides an evidence-based supported employment program designed for consumers with significant mental health diagnoses for whom competitive employment has been interrupted or intermittent as a result of a significant mental health problem. The Department has previously published certification standards for certified Mental Health Rehabilitation Services (MHRS) providers to also be qualified to provide supported employment services, and these rules are being amended to reflect that change. Additionally, a rate for a Supported Employment - Group is being added because one of the specific supported employment services - “Supported Employment Job Club” - is often provided in a group, rather than on an individual basis.

These rules were first published as proposed rules in the *D.C. Register* on March 29, 2013 at 60 DCR 4874. No comments were received and no changes have been made to the proposed rules. The Director took final action on these rules on April 30, 2013. These final rules will be effective upon publication of this notice in the *D.C. Register*.

**Subtitle A, “Mental Health”, of Title 22 of the District of Columbia Municipal Regulations is amended by deleting the current Chapter 51 and substituting the following:**

**CHAPTER 51 SUPPORTED EMPLOYMENT PROGRAM —REIMBURSEMENT****5100 PURPOSE**

- 5100.1 This chapter establishes the reimbursement rate for the Supported Employment Program. Establishment of a reimbursement rate allows the Department of Mental Health (“Department”) to reimburse certified mental health providers who are qualified to provide supported employment services pursuant to Chapter A37 of this title to Department consumers.
- 5100.2 Nothing in this chapter grants to a supported employment provider the right to reimbursement for costs of providing supported employment services. Eligibility for reimbursement for supported employment services is determined solely by the contract between the Department and the supported employment provider and is subject to the availability of appropriated funds.

**5101 REIMBURSEMENT RATE**

5101.1 The Supported Employment Program rate is as set forth below:

SERVICE	RATE	UNIT	CODE
Supported Employment (non-MHRS)	\$16.25	15 minutes	H2025
Supported Employment - Group (non-MHRS Job Club)	\$4.06	15 minutes	H2025HQ

**5102 ELIGIBILITY**

5102.1 Only a qualified Mental Health Rehabilitation Services (MHRS) provider who has been certified as a Supported Employment Provider by the Department pursuant to Chapter A37 Mental Health Supported Employment Certification Standards of this title, and has incurred expenses eligible for reimbursement in accordance with its contract with the Department, may bill the Department under this chapter.

**5103 SUBMISSION OF CLAIM; PAYMENT OF VOUCHER**

5103.1 The supported employment provider shall submit all supported employment (non-MHRS) claims under the contract through the Department’s electronic billing system pursuant to this chapter and the terms of the contract between the Department and the supported employment provider.

5103.2 The supported employment provider shall submit appropriate documentation to support all claims under its contract with the Department.

5103.3 The Department will reimburse a supported employment provider for a claim that is determined by the Department to be eligible for reimbursement pursuant to the terms of the contract between the Department and the supported employment provider, subject to the availability of appropriated funds.

**5104 AUDITS**

5104.1 A supported employment provider shall, upon the request of the Department, cooperate in any audit or investigation concerning the Supported Employment Program.

**5199 DEFINITIONS**

5199.1 When used in this chapter, the following terms shall have the meaning ascribed:

**Supported employment** – non-Medicaid services and support provided by a supported employment provider pursuant to a contract with the Department, consisting of services designed for consumers with

significant mental health diagnoses for whom competitive employment has been interrupted or intermittent as a result of a significant mental health problem. Supported employment involves obtaining a part-time or full-time job in which the consumer earns at least minimum wage.

**Supported employment job club** - a service which assists consumers in understanding how to complete job applications, effective interviewing techniques, resume writing, appropriate grooming, hygiene, and dress for work situations. Supported Employment Job Club is the only supported employment service that may be provided in a group setting.

**Supported employment provider** – a Mental Health Rehabilitation Service (MHRS) certified provider that has been certified to provide supported employment services pursuant to 22 DCMR A37, and has a contract with the Department to provide these services.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS****NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in D.C. Official Code §§ 47-2853.10(a)(11) and (12) (2005 Repl.) and Mayor's Order 2000-70, dated May 2, 2000, hereby gives notice of the intent to adopt, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, amendments to Chapter 23 (Real Estate Appraisers) of Title 17 (Business, Occupations, and Professions) of the District of Columbia Municipal Regulations.

This proposed rulemaking would amend the continuing education requirements for renewal of an appraiser trainee license, amend the eligibility standards for licensees seeking to serve as a supervising appraiser, and establish a new standard for reciprocal licensure.

This rulemaking is necessitated by a notification from the Appraisal Subcommittee (ASC) of the Federal Financial Institutions Examination Council that the District must update its real estate appraiser professional license regulations to reflect upcoming changes to industry standards pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111-203; H.R. 4173).

The ASC was established to provide oversight of the real estate appraisal process as it relates to federally-related real estate transactions, and it oversees the appraiser regulatory programs established by the states, territories, and the District of Columbia. If the District's appraisal policies and practices were found to be inconsistent with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) (12 U.S.C. §§ 3331-3351), the District's real estate appraisal licensure program could be subject to de-recognition by the ASC. In such an event, the ASC and all agencies, instrumentalities, and federally-recognized entities under FIRREA would be barred from recognizing the District's appraiser certifications and licenses.

**Title 17, BUSINESS, OCCUPATIONS, AND PROFESSIONS, Chapter 23, REAL ESTATE APPRAISERS, of the District of Columbia Municipal Regulations is amended as follows:**

**Section 2305, LICENSE BY RECIPROCITY OR ENDORSEMENT, is amended as follows:**

**Subsection 2305.1 is amended to read as follows:**

2305.1 An applicant for a license or certificate by reciprocity shall furnish proof satisfactory to the Board that the applicant is licensed or certified and in good standing under the laws of another State or U.S. territory which the Appraisal Subcommittee deems to be in compliance with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. §§ 3331-3351).

**Section 2310, CONTINUING EDUCATION REQUIREMENTS, is amended to read as follows:**

**Subsection 2310.2 is amended to read as follows:**

- 2310.2 An applicant for renewal or reinstatement of a real estate appraiser license, or renewal of an appraiser trainee license shall be required to satisfactorily complete continuing education courses according to the following schedule:
- (a) Applicants obtaining a license one hundred eighty-five (185) days or less from the renewal date required by the license cycle are not required to complete any hours of continuing education for that license cycle;
  - (b) Applicants obtaining a license during the last twelve (12) months of a license cycle, but before the one hundred eighty-five (185) day period must complete fourteen (14) hours of continuing education for that license cycle;
  - (c) All other licensees must complete the full twenty-eight (28) hours of continuing education for the license cycle; and
  - (d) All licensees must complete the seven- (7-) hour National USPAP Update Course as part of the twenty-eight (28) hours of continuing education.

**Section 2323, APPRAISER TRAINEE, is amended to read as follows:**

**Subsection 2323.4 is amended to read as follows:**

- 2323.4 The appraiser trainee is subject to direct supervision by a supervising Certified Residential Real Property Appraiser or a Certified General Real Property Appraiser licensed in the District. The supervising appraiser shall be in good standing, and shall not have been subject to any disciplinary action that impacted his or her ability to lawfully engage in appraisal practice within the last two (2) years.

**Subsection 2323.8 is amended to read as follows:**

- 2323.8 An applicant for renewal of an appraiser trainee license shall submit proof of having completed all continuing education credits required pursuant to § 2310.2 of this chapter.

All persons desiring to comment on these proposed regulations should submit written comments in to Helder Gil, Legislative Affairs Specialist, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, S.W., Room 5164, Washington, D.C. 20024, or by e-mail to [helder.gil@dc.gov](mailto:helder.gil@dc.gov), not later than thirty (30) days after publication of this notice in the *D.C.*

*Register.* Copies of the proposed rules can be obtained from the address listed above. A copy fee of one dollar (\$1.00) will be charged for each copy of the proposed rules requested. Free copies are available on the DCRA website at <http://dcra.dc.gov> by going to the “About DCRA” tab, clicking “News Room”, and clicking on “Rulemaking”.

**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 Mayor's Order 2008-92, dated June 26, 2008, and in accordance with the provisions of Chapter XXII of CMPA (D.C. Official Code § 1-622.01 *et seq.* (2012 Supp.)), hereby gives notice of the intent 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 22, "Life Insurance Benefits," of Subtitle B of Title 6, "Government Personnel", of the District of Columbia Municipal Regulations (DCMR). The purpose of these rules is to amend the heading of Section 2200 from "*Continuation of Life Insurance Benefits under FEGLI*" to "*Continuation of Life Insurance Benefits under Federal Employees' Group Life Insurance (FEGLI)*" and amend the section; amend the heading of Section 2201 from "*Coverage Under DCGLI*" to "*Coverage Under the District of Columbia Employees' Group Life Insurance (DCEGLI)*" and amend the section; amend Subsection 2202.2(b) to include requirements needed for immediate retirement; amend Subsections 2204.1 and 2204.5 to clarify the conditions in which an employee can elect life insurance; amend Subsection 2206.1(b) to clarify that an employee furnish satisfactory evidence of insurability to the Director of the DCHR; to add Subsection 2206.1(c) to include that employees who waive the life insurance can enroll during the next life insurance open season; amend Subsection 2208.3 to add the "Age and Factor Chart"; amend Subsections 2209.1 and 2209.4 to remove additional compensation language; amend Subsection 2210.3 to remove the exception language on multiple exceed the annual pay for the Mayor; amend Subsection 2210.4 to increase the coverage amount on a spouse from "\$5,000" to "\$10,000, \$25,000, and \$50,000" and from "\$2,500 to \$10,000" on the life of each unmarried dependent child; amend Subsection 2213.3 to add extent of loss chart and amend the subsection; amend Subsection 2216 to add language on viatical settlements; amend Subsection 2217.1 to clarify that if more than one designation of beneficiary form exists, the form with the later date shall be used and renumbered subsection; to amend and renumber Section 2219; add Section 2221 (Viatical Settlement) ; and change the term "Director of Personnel" to "Director of the DCHR" throughout the chapter. Additionally, non-substantial changes were made to Subsections 2201.1, 2201.2; 2202.1, 2202.3, 2203.1, 2203.2; 2204.3, 2204.4, 2204.6, 2204.7; 2205.1, 2205.3, 2205.4, 2205.5, 2205.6; 2206.2, 2206.3, 2206.5, 2206.6, 2206.7; 2207.1, 2207.2; 2208.1, 2208.2; 2211.1, 2211.4, 2211.5, 2211.6; 2213.3, 2213.4; 2214.2; 2214.6; 2214.7, 2214.8, 2214.10, 2214.11, 2214.12; 2215.1, 2215.2; 2216.1, 2216.2; 2217.1; 2217.2, 2217.3, 2217.4, 2217.5, 2217.6; 2218.1, 2218.2, 2218.3; 2219.1, 2219.2; 2220.1, 2220.2, 2220.3, and 2220.4 of the chapter, as well as the definitions of the terms "pay authority," "personnel authority," and "viatical settlement" in Section 2299.

Upon adoption, these rules will amend Chapter 22, Life Insurance Benefits, of Title 6 DCMR, published at 41 DCR 3235 (June 10, 1994) and amended at 44 DCR 2833 (May 9, 1997), and 44 DCR 5368 (September 19, 1997).



**Chapter 22, “Life Insurance Benefits,” of Subtitle B of Title 6, “Government Personnel”, of the District of Columbia Municipal Regulations is amended as follows:**

**Section 2200, “Continuation of Life Insurance Benefits under FEGLI,” is repealed and replaced with:**

**2200 CONTINUATION OF LIFE INSURANCE BENEFITS UNDER FEDERAL EMPLOYEES’ GROUP LIFE INSURANCE (FEGLI)**

2200.1 D.C. Official Code § 1-622.01 (2006 Repl.) provides that the “life insurance benefits provisions of Chapter 87 of Title 5 of the United States Code shall apply to all employees of the District of Columbia government first employed before October 1, 1987, except those specifically excluded by law or rule and regulation.” Therefore, the federal regulations contained in 5 CFR part 870 and any other related federal regulations will continue to apply to each employee of the District government first employed before October 1, 1987.

2200.2 Each employee newly employed on or after October 1, 1987, who has had prior District government service and who during that prior service was covered under the FEGLI program, regardless of whether the employee participated in the FEGLI program, shall be eligible for life insurance coverage under the FEGLI if the current position meets the requirements for FEGLI coverage.

**Section 2201, “Coverage under DCEGLI,” is repealed and replaced with:**

**2201 COVERAGE UNDER THE DISTRICT OF COLUMBIA EMPLOYEES’ GROUP LIFE INSURANCE (DCEGLI)**

2201.1 Except as provided in Sections 2200 and 2203 of this chapter, each employee and annuitant of the District government shall be insured for an amount of basic insurance, as specified in Section 2208 of this chapter, under the DCEGLI program.

2201.2 Except as provided in Sections 2200 and 2204 of this chapter, each employee and annuitant of the District government shall be eligible to enroll for optional insurance coverage, as specified in Section 2210 of this chapter, under the DCEGLI program.

**Section 2202, “Eligibility for DCEGLI,” is amended as follows:**

2202.1 Except for individuals excluded from life insurance benefits by Section 2203 of this chapter, the District government shall offer group life insurance benefits through the DCEGLI program to all of the following:

(a) Each employee and annuitant of the District government first employed on

or after October 1, 1987; and

- (b) Each employee hired on or after October 1, 1987, who had prior service with the District government, but who was not eligible for FEGLI coverage during that prior service.

2202.2 An annuitant shall be eligible for coverage under the DCEGLI program if he or she has done all of the following:

- (a) Been enrolled for basic insurance for the five (5) years of service immediately preceding the date of retirement;
- (b) Met all requirements for immediate retirement as provided (including ten (10) years of District Government service and required Social Security Administration documents, when necessary) whether or not final administrative action has been taken; and
- (c) Not exercised his or her right to convert to an individual policy.

2202.3 An employee cannot have coverage under both the FEGLI and DCEGLI programs. There is no right to elect coverage under one or the other program. Eligibility for coverage under either program shall be as specified in Sections 2200, 2202, and 2203 of this chapter.

**Section 2203, "Exclusions from DCEGLI," is amended as follows:**

2203.1 Employees and individuals in the following groups shall be excluded from life insurance coverage:

- (a) An employee serving under an appointment limited to one (1) year or less, except an employee appointed for full-time employment or part-time employment with a regular tour of duty without a break in service or after a separation of three (3) days or less, following service in which he or she was insured;
- (b) An individual whose employment is of a temporary duration, who is employed for brief periods or intervals, or an employee who is expected to work less than six (6) months in each year, except for an employee who is employed under a District approved career-related work-study program of at least one (1) year and who is expected to be in a pay status for at least one-third ( $\frac{1}{3}$ ) of the total period of time from the date of the first appointment to the completion of the work-study program;
- (c) An intermittent employee who is a non-full-time employee without a regularly scheduled tour of duty, except when the employee enters into

that status without a break in service or after a separation of three (3) days or less, following service in a position in which he or she was insured and to which he or she is expected to return;

- (d) An individual who is a beneficiary or patient employee in a government hospital or home; and
- (e) An individual paid on a contract or fee basis.

2203.2 The Director of the D.C. Department of Human Resources (Director of the DCHR), shall make the final determination regarding applicability of the above classifications to a specific employee or group of employees.

**Section 2204, "Election of Insurance Coverage under DCEGLI," is amended as follows:**

**2204 ELECTION OF INSURANCE COVERAGE UNDER DCEGLI**

2204.1 Except as provided in Section 2205 of this chapter, an employee shall be automatically insured for basic insurance on the date the employee becomes eligible for insurance, unless that an employee affirmatively declines the option for basic life insurance benefits.

2204.2 Each employee or annuitant who is insured for basic insurance shall be eligible to elect optional insurance coverage for himself or herself, and for his or her spouse and dependent children.

2204.3 An employee who is eligible for insurance coverage may elect any of the optional forms of insurance coverage described in Section 2210 of this chapter, if the election is made within thirty-one (31) days of entering into a pay status in a position eligible for insurance coverage.

2204.4 The effective date of an election of any optional insurance described in Section 2210 of this chapter shall be the first day an employee actually enters on duty in a pay status on or after the election is received by his or her personnel authority, except as provided in Subsection 2204.3 of this section.

2204.5 An employee who does not file an election of optional insurance within thirty-one (31) days of entering into a pay status in a position eligible for insurance shall not have the optional insurance until the next life insurance open season or other qualifying status change.

2204.6 The Director of the DCHR is authorized to declare a life insurance open enrollment period to permit employees to make changes in their life insurance coverage without regard to the requirements of Section 2206 of this chapter. Enrollments received during an open enrollment period declared by the Director of the DCHR, shall be effective on the date designated by the Director of the

DCHR.

2204.7 The Director of the DCHR may limit the open enrollment period to permitting certain specific changes including, but not limited to:

- (a) Cancelling a waiver and electing basic insurance only;
- (b) Cancelling a waiver of family coverage; or
- (c) Increasing additional insurance coverage by one (1) multiple of salary.

**Section 2205, “Waiver, Cancellation and Declination of DCEGLI Coverage,” is amended as follows:**

**2205 WAIVER, CANCELLATION AND DECLINATION OF DCEGLI COVERAGE**

2205.1 An employee or annuitant who is eligible for insurance coverage may waive coverage by giving written notice to his or her personnel office in a manner prescribed by the Director of the DCHR.

2205.2 Following an initial appointment to a position eligible for life insurance coverage, the effective date of a waiver of an employee who files the waiver before the end of the first pay period will be the first day in the pay period in which the employee was in a pay status.

2205.3 An insured person may cancel his or her basic insurance at any time by filing a waiver of basic insurance coverage in a manner prescribed by the Director of the DCHR.

2205.4 An insured person may cancel his or her optional insurance at any time by completing and submitting the request to DCHR.

2205.5 The effective date of the waiver provided for in Subsection 2205.3 of this section shall be the end of the pay period in which the waiver is received by the appropriate office.

2205.6 An employee who does not elect optional insurance in accordance with Subsection 2204.2 of this chapter shall be deemed to have declined optional insurance coverage.

**Section 2206, “Cancellation of a Waiver of DCEGLI Coverage,” is amended as follows:**

**2206 CANCELLATION OF A WAIVER OF DCEGLI COVERAGE**

2206.1 An employee who has filed a waiver of basic insurance coverage or who declined

any optional insurance coverage may subsequently enroll and become insured if:

- (a) At least one (1) year has elapsed since the effective date of the waiver; and
- (b) He or she furnishes satisfactory evidence of insurability as determined by the Director of the DCHR and contractual language with the provider; or
- (c) The employee enrolls during the next life insurance open season.

2206.2 An employee who has complied with Subsection 2206.1 of this section shall be insured when he or she actually enters on duty in pay status in a position in which he or she is not excluded from insurance, following the approval by the life insurance carrier of his or her request for insurance as provided for in Subsection 2206.8 of this section.

2206.3 An approval of a request for insurance coverage for an employee who has complied with Subsection 2206.1 of this section shall only be valid if the employee enters on duty in a pay status within thirty-one (31) days following the date of approval.

2206.4 A previous waiver shall be cancelled automatically at the time of reinstatement if an employee has been separated from service for at least one hundred eighty (180) days. If no new waiver is filed, basic insurance coverage begins automatically on the date the employee actually enters on duty in a pay status in a position wherein he or she is not excluded from insurance.

2206.5 During an open enrollment period as provided by Sections 2204.6 and 2204.7 of this chapter, an employee otherwise eligible for coverage may cancel his or her existing waiver of coverage by affirmatively electing to be insured on a form designated by the Director of the DCHR.

2206.6 An annuitant who has complied with Subsections 2205.1 or 2205.3 of this chapter and has filed a waiver of basic insurance coverage shall not be eligible to enroll to become insured under the DCEGLI program.

2206.7 An employee who has declined optional insurance coverage may elect optional insurance coverage under certain circumstances in the following manner:

- (a) If an employee marries, he or she may elect Option A - Standard, Option C - Family, and Option B - Additional for a multiple of one (1) times salary, unless the employee already had Option B - Additional coverage, in which case he or she may increase coverage by one (1) additional multiple of salary up to the maximum number of multiples of salary permitted by Subsection 2210.3 of this chapter; and
- (b) If an employee acquires an unmarried dependent child, he or she may elect

Option A - Standard, Option C - Family, and Option B - Additional for a multiple of salary equal to the number of unmarried dependent children acquired, unless the employee already has Option B - Additional coverage, in which case he or she may increase coverage by a multiple of salary equal to the number of unmarried dependent children acquired, up to the maximum number of multiples of salary permitted by Subsection 2210.3 of this chapter.

2206.8 The insurance carrier shall utilize its current practices to make the determination of eligibility of an employee who is cancelling a waiver of insurance coverage or requesting additional insurance coverage.

**Section 2207, "Description of Benefits under DCEGLI," is amended as follows:**

**2207 DESCRIPTION OF BENEFITS UNDER DCEGLI**

2207.1 Each insured employee and annuitant shall be provided a policy or a summary of benefits to include all of the following:

- (a) The benefits to which entitled;
- (b) The procedures for obtaining benefits; and
- (c) The principal provisions of the policy.

2207.2 The Director of the DCHR shall provide each insured employee and annuitant with information on the cost of basic insurance and each insurance option and shall notify each insured employee of any change in the cost prior to that change being implemented.

**Section 2208, "Basic Insurance Amount (BIA) Under DCEGLI," is amended as follows:**

**2208 BASIC INSURANCE AMOUNT (BIA) UNDER DCEGLI**

2208.1 An employee's basic insurance amount (BIA) shall be the greater of:

- (a) His or her annual rate of basic pay, rounded to the next higher \$ 1,000, plus \$ 2,000; or
- (b) A minimum of ten thousand dollars (\$ 10,000).

2208.2 The BIA of an individual who is entitled to continue basic life insurance coverage as an annuitant or compensationner shall be the BIA in effect at the time the insurance to which he or she is entitled as an employee would stop under Section 2214 of this chapter.

2208.3 The amount of an employee's basic life insurance coverage shall be equal to his or her BIA multiplied by the appropriate factor determined on the basis of the age of the insured individual at the time of death, as follows:

Age	Factor
35 or under	2.0
36	1.9
37	1.8
38	1.7
39	1.6
40	1.5
41	1.4
42	1.3
43	1.2
44	1.1
45 or over	1.0

**Section 2209, “Annual Rates of Pay for Purposes of DCEGLI,” is amended as follows:  
Subsections 2209.1 and 2209.4 are amended to read as follows:**

2209.1 An insured employee's annual pay is his or her annual rate of basic pay as fixed by the appropriate pay authority.

2209.4 The annual pay for an employee who legally and concurrently serves in more than one (1) position shall be the sum of the annual basic pay fixed by the appropriate pay authority for the primary position,

**Section 2210, “Optional Insurance Coverage under DCEGLI,” is amended as follows:**

**Subsections 2210.3 and 2210.4 are amended to read as follows:**

2210.3 Option B - Additional provides an employee with additional insurance coverage of one (1), two (2), three (3), four (4), or five (5) multiples of his or her annual pay, with each multiple being equal to the rate of annual pay rounded to the next highest thousand.

2210.4 Option C - Family provides the employee with both of the following:

- (a) Ten thousand (\$10,000), twenty-five thousand (\$25,000), and fifty thousand (50,000) insurance coverage on the life of his or her spouse; and
- (b) Ten thousand (\$10,000) insurance coverage on the life of each unmarried dependent child.

**Section 2211, “Withholdings for DCEGLI,” is amended as follows:****Subsections 2211.1, 2211.4, 2211.5 and 2211.6 are amended to read as follows:**

- 2211.1 During each pay period in which an insured employee is in a pay status for any part of the period, an amount to be determined by the Director of the DCHR shall be withheld from the biweekly pay of the employee, except that the amount withheld from the pay of an employee who is paid on other than a biweekly basis shall be determined at a proportionate rate, adjusted to the nearest cent.
- 2211.4 Except as provided in Subsection 2214.10 of this chapter, whenever an insured employee receives insufficient pay to cover the cost of the insurance, he or she shall be required to pay the amount that represents the employee's cost of life insurance coverage which would have been withheld in a manner prescribed by the Director of the DCHR.
- 2211.5 Each insured annuitant receiving an annuity under the Teachers' Retirement System, the Police and Fire Retirement System, the Judges' Retirement System, or the Teachers' Insurance and Annuity Association programs shall have withheld from his or her annuity an amount, to be determined by the Director of the DCHR, to cover the cost of the insurance coverage; however, if the annuity is insufficient to cover the cost of the coverage, the annuitant shall be required to pay the full amount which would have been withheld had the annuity been sufficient to cover the cost.
- 2211.6 Each annuitant covered under the Defined Contribution Pension Plan shall be required to pay, in accordance with procedures issued by the Director of the DCHR, an amount equal to the amount that would be withheld, for an annuitant receiving an annuity, as provided in Subsection 2211.5 of this section.

**Section 2213, “Accidental Death and Dismemberment under DCEGLI,” is amended as follows:****Subsections 2213.3 and 2213.4 are amended to read as follows:**

- 2213.3 Each employee who elects Option A - Standard optional insurance coverage described in Subsection 2210.1 of this chapter shall also have additional coverage of \$10,000 for accidental death and dismemberment.
- 2213.4 Accidental dismemberment benefits shall be payable only upon the losses stated in the following schedule. The benefits are subject to the conditions and limitations approved by the Director of the DCHR, which are contained in the policy purchased by the DCHR; the amount of this benefit shall depend on the amount for which the employee is insured on the date the accident occurs and the extent of the loss according to the following schedule.



Extent of Loss	Percentage of Basic Insurance Payable
Sight of both eyes	100
Sight of one eye	50
Both hands	100
One hand	50
Both feet	100
One foot	50
One hand and one foot	100
One hand or one foot and sight of one eye	100

**Section 2214, “Termination and Conversion of DCEGLI Coverage,” is amended as follows:**

**Subsections 2214.2, 2214.6, 2214.7, 2214.8, 2241.10, 2214.11 and 2214.12 are amended to read as follows:**

- 2214.2        The thirty-one-day (31-day) extension of insurance coverage provided in Subsection 2214.1 of this section shall not be extended beyond thirty-one days (31-days), nor is it contingent upon timely issuance of notice of the right of conversion to an individual policy.
  
- 2214.6        The employee, retiree, or annuitant shall be notified by the personnel authority of the loss of DCEGLI coverage as a group member and the right to convert to an individual policy either prior to or immediately following the event causing the loss of coverage.
  
- 2214.7        An employee, retiree, or annuitant who fails to exercise his or her right to convert to an individual policy during the thirty-one day (31-day) extension of coverage is deemed to have declined coverage under an individual policy, unless the Director of the DCHR determines the failure was beyond the control of the employee.
  
- 2214.8        An employee, retiree, or annuitant seeking to convert to an individual policy after the thirty-one day (31-day) extension of coverage must apply to the Director of the DCHR within six (6) months from the date that the coverage terminated.
  
- 2214.10       Except as provided in Subsection 2214.12 of this section, basic life insurance and optional life insurance of an insured employee continue without cost to the employee while he or she is in a non-pay status for up to three hundred sixty-five days (365 days), at which time it stops, subject to a thirty-one day (31-day) extension of insurance coverage.
  
- 2214.11       The three hundred sixty-five day (365-day) period described in Subsection 2214.10 of this section may be continuous or broken by periods of less than four

(4) consecutive months in a pay status.

- 2214.12 If a claim is filed by a beneficiary or assignee, if any, in accordance with Subsections 2215.1 and 2215.2 of this chapter for an employee who is in a non-pay status at the time of death, the Director of the DCHR shall determine the value of employee contributions not withheld from the employee during the preceding twelve (12) months because the employee was in a non-pay status and shall authorize the life insurance company selected in accordance with Subsection 2218.1 of this chapter to withhold an amount equal to the value of those contributions. Any such amount shall be deducted from the payment due each beneficiary in proportion to the percentage of the total benefit being received by that beneficiary.

**Section 2215, "Filing A Claim under DCEGLI," is amended as follows:**

**2215 FILING A CLAIM UNDER DCEGLI**

- 2215.1 The Director of the DCHR shall establish procedures for the filing of claims by the assignee, if any, or the beneficiary when death of an employee or annuitant occurs.
- 2215.2 If an employee has elected Option C - Family coverage described in Subsection 2210.4 of this chapter, the employee shall be required to file a claim in accordance with procedures established by the Director of the DCHR.

**Section 2216, "Accidental Death and Dismemberment under DCEGLI," is amended as follows:**

**2216 DEATH CLAIMS-ORDER OF PRECEDENCE-DCEGLI**

- 2216.1 The amount of group life insurance in force on an employee or annuitant at the date of his or her death shall be paid, on the establishment of a valid claim, to the person or persons surviving at the date of the death of the employee or annuitant, in the following order of precedence:
- (a) To the assignee, if any, pursuant to a viatical settlement as provided in Section 2221 of this chapter;
  - (b) To the beneficiary or beneficiaries designated by the employee or annuitant of file with the employer executed and filed before death in a manner prescribed by the Director of the DCHR;
  - (c) If there is no designated beneficiary, to the widow or widower of the employee or annuitant;

- (d) If none of the above, to the child or children of the employee or annuitant and descendants of a deceased child or children by representation;
- (e) If none of the above, to the parents or parent of the employee or annuitant;
- (f) If none of the above, to the duly appointed personal representative of the estate of the employee or annuitant; and
- (g) If none of the above, to the other next of kin of the employee or annuitant under the laws of the domicile of the employee or annuitant at the date of death.

2216.2 If no claim has been filed by any of the persons set forth in Subsection 2216.1 of this section within four (4) years of the date of death of an employee or annuitant, the funds shall be deposited into the General Fund of the District of Columbia to be kept for safekeeping and disbursed in accordance with the Uniform Disposition of Unclaimed Property Act of 1980, effective March 5, 1981 (D.C. Law 3-160; D.C. Official Code § 41-101 *et seq.*).

**Section 2217, “Designation of Beneficiary,” is amended as follows:**

**2217 DESIGNATION OF BENEFICIARY**

- 2217.1 A designation of beneficiary shall be either in writing or through electronic submission and received by the personnel authority (or the applicable retirement system office in the case of an annuitant or retiree whose basic DCEGLI coverage is continued) before the death of the insured. In the event that more than one designation exists, the designation with the later date shall be used to determine beneficiaries.
- 2217.2 A change or cancellation of beneficiary in a last will or testament, or in any other document not witnessed and filed as required by Subsection 2217.1 of this section, shall not have any effect.
- 2217.3 A witness to a designation of beneficiary shall be ineligible to receive payment as a beneficiary.
- 2217.4 Any individual, firm, corporation, or legal entity (except an agency of the Federal or District of Columbia governments) may be named as beneficiary.
- 2217.5 A designation of beneficiary or a change in beneficiary may be made at any time and without the knowledge or consent of the previous beneficiary. This right shall not be waived or restricted.
- 2217.6 If an insured individual provides in a valid designation of beneficiary that a designated beneficiary shall be entitled to the proceeds of the insurance only if the

beneficiary survives him or her for a period of time (not more than thirty (30) days) as specified by the designator, no right to the insurance shall vest to that beneficiary. If that beneficiary does not survive the specified period, payment of the proceeds of the insurance shall be made as if the beneficiary had predeceased the insured.

**Section 2218, “Contracting Authority for DCEGLI,” is amended as follows:**

**2218 CONTRACTING AUTHORITY FOR DCEGLI**

- 2218.1 Subject to the requirements of Subsection 2218.3 of this section, the Director of the DCHR may select a policy or policies from one (1) or more life insurance companies to provide the benefits set forth in this chapter. The life insurance company or companies must be licensed to transact life and accidental death and dismemberment insurance under the laws of the District of Columbia.
- 2218.2 Subject to the requirements of Subsection 2218.3 of this section, the Director of the DCHR may discontinue at any time a policy or policies purchased from a company under Subsection 2218.1 of this section.
- 2218.3 Any contract under this section shall comply with the District of Columbia Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*) and shall be in accordance with any delegations of authority made under that Act.

**Section 2219, “Annual Accounting Reports for DCEGLI,” is renumbered and amended as follows:**

**2219 ANNUAL ACCOUNTING REPORTS FOR DCEGLI**

- 2219.1 For the purpose of this section, the following term has the meaning ascribed:
- Risk charges** - an insurance charge to compensate the insurer for its risk under the contract.
- 2219.2 Each contract entered into under Section 2218 of this chapter shall require the company to do all of the following:
- (a) Furnish reasonable reports to the District as determined by the Director of the DCHR, to be necessary to enable the District to carry out its functions under this chapter;
  - (b) Authorize the Director of the DCHR to examine records of the company as may be necessary to carry out the purposes of this chapter; and

- (c) Provide an accounting to the Director of the DCHR not later than ninety (90) days after the end of each policy year. The accounting shall set forth all of the following in a form approved by the Director of the DCHR:
  - (1) The amounts of premiums actually accrued under the policy from the end of the policy period;
  - (2) The total of all mortality and other claim charges incurred for that period; and
  - (3) The amounts of the company's expenses and risk charges incurred for that period.

**Section 2220, “Special Contingency Reserve for DCEGLI,” is amended as follows:**

**2220 SPECIAL CONTINGENCY RESERVE FOR DCEGLI**

- 2220.1 Any amount of premiums collected (as reported in Subsection 2219.1(c)(1) of this chapter) in excess of the sum of the costs incurred (as reported in Subsection 2219.1(c)(2) and (3) of this chapter) shall be held by the company issuing the policy as a special contingency reserve to be used by the company only for charges under the policy.
- 2220.2 The special contingency reserve shall bear interest at a rate determined in advance of each policy period by the company from which the insurance was purchased under Section 2218 of this chapter and approved by the Director of the DCHR, as being consistent with the rates generally used by the company from which the insurance was purchased under Section 2218 of this chapter for similar funds held under other group life insurance policies.
- 2220.3 When the Director of the DCHR determines that the amount of the special contingency reserve is sufficient to provide for adverse fluctuations in future charges under the policy, any funds in excess of that amount may be used to increase benefits, to reduce premiums, or both, or may be deposited in the General Fund of the District.
- 2220.4 When a policy is discontinued, any balance remaining in the special contingency reserve after all charges have been paid shall be deposited in the General Fund of the District.

**Section 2221, “Viatical Settlement,” is added as follows:**

**2221 VIATICAL SETTLEMENT**

- 2221.1 An insured employee or annuitant who is terminally ill may make a viatical

settlement in accordance with these rules and procedures to be issued by the Director of the DCHR.

- 2221.2 An insured individual who elects to viaticate must assign all of his or her insurance coverage, except that accidental dismemberment insurance and family optional insurance are excluded from such assignment.
- 2221.3 The assignment of an individual's life insurance coverage shall be irrevocable.
- 2221.4 The assignment shall become effective when recorded by the life insurance company authorized to provide life insurance coverage for the DCEGLI program.
- 2221.5 When an insured employee or annuitant makes a viatical settlement, any prior designation of beneficiary which might have been made shall be automatically cancelled and the insured person shall no longer have the right to designate a beneficiary.
- 2221.6 An assignee shall have the right to make beneficiary changes and to apply for conversion of the life insurance coverage under the same conditions as were available to the insured employee or former employee for conversion as provided in this chapter.

## 2299 DEFINITIONS

For the purposes of this chapter, the following terms have the meaning ascribed:

**Accidental death and dismemberment** - a provision added to an insurance policy for payment of an additional benefit in case of death or dismemberment by accidental means.

**Annuitant** - an employee first employed by the District of Columbia government after September 30, 1987, who subsequently retired pursuant to any of the following conditions:

- (a) Retires under any of the following systems:
- (1) Teachers' Retirement System;
  - (2) Police and Fire Retirement System;
  - (3) Judges' Retirement System; or
  - (4) Teachers' Insurance and Annuity Association programs; or
- (b) Separated pursuant to under the District Retirement Benefit Program and after any of the following:

- (1) Reaching 57 years of age and having completed 25 years of creditable District service in a law enforcement position;
- (2) Becoming entitled to retirement benefits under the Social Security Act and having ten (10) or more years of service the District Government; or
- (3) Becoming entitled to disability benefits under the Social Security Act.

**Assignee** - an individual or firm to whom ownership of an employee's or former employee's life insurance coverage is transferred through a viatical settlement.

**Dependent child** - a natural child, adopted child, stepchild, or foster child of an employee, retiree, or annuitant who is any of the following:

- (a) An unmarried dependent child under twenty-six (26) years of age; or
- (b) An unmarried child regardless of age who is incapable of self-support because of mental or physical disability that existed before age twenty-two (26).

**Director of the DCHR** - the Director of the D.C. Office of Department of Human Resources.

**District** - the District of Columbia, including the District of Columbia Courts or any independent agency, if the courts or any agency duly accept the plan, with the approval of the Director of the DCHR.

**Pay authority** - the Mayor or his or her designee, who has been delegated the authority to establish the pay system as provided in Subchapter XI of Title 1 of the CMPA (D.C. Official Code § 1-611.04).

**Personnel authority** - an individual or entity with the authority to administer all or part of a personnel management program as provided in Subchapter IV of Title 1 of the CMPA (D.C. Official Code § 1-604.01, *et seq.*).

**Viatical settlement** - an irrevocable assignment of all an employee's or former employee's incidents of ownership in a life insurance policy.

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, Associate Director, Policy and Compliance Administration, D.C. Department of Human Resources, 441 4<sup>th</sup> Street, N.W., Suite 330 South, Washington, D.C. 20001, or via email at [eboni.gatewood-crenshaw@dc.gov](mailto:eboni.gatewood-crenshaw@dc.gov). Additional copies of these proposed rules are available at the above address.

**DEPARTMENT OF MOTOR VEHICLES**

**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Motor Vehicles (Director), pursuant to the authority set forth in Sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 50-905 (2009 Repl.)), and Sections 6 and 7 of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code §§ 50-2201.03 and 50-1401.01 (2009 Repl.)), hereby gives notice of the intent to adopt the following rulemaking that will amend Chapter 1 (Issuance of Driver’s Licenses) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR). The proposed rules will allow third party examiners to administer road tests for driver’s licenses in lieu of testing by Department of Motor Vehicles employees.

The Director also gives notice of her intent to take final rulemaking action to adopt these rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

**Title 18, VEHICLES AND TRAFFIC, of the DCMR is amended as follows:**

**Chapter 1, ISSUANCE OF DRIVER’S LICENSES, is amended as follows:**

**A new Section 113, THIRD PARTY TESTING, is added to read as follows:**

**113 THIRD PARTY TESTING**

113.1 The Director may authorize a District of Columbia licensed driving instructor (“third party examiner”) employed by a District of Columbia licensed driving school as described in Chapter 9 of this title (“third party employer”) to administer the road test described in Section 104 of this chapter, if the following conditions are met:

- (a) The road tests given by the third party examiner are the same as those which would otherwise be given by the Department of Motor Vehicles;
- (b) The third party examiner has successfully completed a road test examiner training course, as approved by the Director;
- (c) The third party employer has an agreement with the Department of Motor Vehicles containing, at a minimum, provisions that:
  - (1) Allow the Department of Motor Vehicles to conduct random examinations of the third party examiner and audits of the employer without prior notice;



- (2) Require that all third party examiners meet the same qualification and training standards as Department of Motor Vehicle examiners, to the extent necessary to conduct road tests;
- (3) Require that all third party examiners who will administer the skills test pass an examination to the satisfaction of the Director;
- (4) Require that its third party examiners initiate and complete each road test at a Department of Motor Vehicles facility designated by the Director;
- (5) Require that the results from each road test administered by a third party examiner be delivered to the Department of Motor Vehicles by the examiner immediately after conclusion of the examination;
- (6) Require that the third party employer maintain bodily injury and property damage liability insurance as set forth by the Director;
- (7) Require that the third party employer indemnify and hold harmless the District of Columbia and its employees from and against all claims, demands, judgments, losses, damages, and costs arising directly or indirectly from any act or omission of the third party examiner or third party employer relating to his, her, or its activities under this section.
- (8) Allow Department of Motor Vehicles employees to take the tests actually administered by the third party examiner as if the Department of Motor Vehicles' employee were a test applicant and allow the Department of Motor Vehicles to test a sample of drivers who were examined by the third party examiner to compare pass/fail results;
- (9) Allow the third party employer to charge a fee, the maximum of which will be determined by the Director; and
- (10) Reserve to the Department of Motor Vehicles the right to take prompt and appropriate remedial action against the third party employer or the third party examiner if either fails to comply with a provision of this section, the Department of Motor Vehicles standards for the driver's license testing program, or any term of the agreement required by this paragraph.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to David Glasser, General Counsel, D.C. Department of Motor Vehicles, 95 M Street, S.W., Suite 300, Washington, D.C. 20024 or online at [www.dcregs.dc.gov](http://www.dcregs.dc.gov).

Comments must be received not later than thirty (30) days after the publication of this notice in the *D.C. Register*. Copies of this proposal may be obtained, at cost, by writing to the above address.

**DISTRICT OF COLUMBIA TAXICAB COMMISSION****NOTICE OF PROPOSED RULEMAKING**

The District of Columbia Taxicab Commission (Commission), pursuant to the authority set forth in Sections 8(b)(1)(D), (G) and 13 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(b)(1)(D), (G) and 50-312, (2009 Repl.; 2012 Fall Supp.)); Section 12 of the 1919 District of Columbia Taxicab Act, approved July 11, 1919 (41 Stat. 104; D.C. Official Code § 50-371 (2009 Repl.)); and Section 6051 of the Fiscal Year 2013 Budget Support Act of 2012 (District of Columbia Commission Fund Amendment Act of 2012), effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 50-320(a) (2012 Supp.)), hereby gives notice of its intent to adopt amendments to Chapters 5, 6, 8 and 9 of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The amendments are established pursuant to the Commission's duty to establish standards and requirements relating to equipment and equipment design, D.C. Official Code §§ 50-307(b)(1)(G), and the Office of Taxicab's authority to enforce Commission rules, D.C. Official Code § 50-312, and are intended to implement the directive of Section 20(g)(a)(3) of the Taxicab Service Improvement Amendment Act of 2012, effective October 22, 2012 (D.C. Law 19-0184). Pursuant to this statutory authority, the Commission hereby establishes the uniform color scheme for taxicabs in the District, to include both independent and company-owned vehicles.

Directions for submitting comments may be found at the end of this Notice. The Commission also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register*.

**Chapter 5, TAXICAB COMPANIES, ASSOCIATIONS, AND FLEETS, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR are amended as follows:**

**Section 501, INITIAL AND RENEWAL CERTIFICATES AND LICENSES; FILING REQUIREMENTS, is amended as follows:**

**Subsection 501.4(d) and (e) are amended to read as follows:**

501.4(d) The trade name and any design, insignia, logo, term, symbol, lettering or other exterior object, pursuant to § 503 of this chapter; and

501.4(e) The specially-equipped taxicab vehicle information, where applicable, required to be submitted in § 604 of this title.

**Subsection 501.5 is amended to read as follows:**

501.5 The Office shall verify all the information provided in response to §§ 501.3 and 501.4 of this section and provide a preliminary approval of the name, logo or insignia before each application is presented to the Office for approval.

**Subsection 501.6(f) is amended to read as follows:**

- 501.6(f) Three (3) three inch by five inch (3" x 5") pictures of the Office-approved name, logo and insignia information displayed on the front, right side, and rear of the taxicab; and

**Section 503, TAXICAB COLORING AND MARKINGS, is amended to read as follows:**

- 503.1 Uniform color scheme. Effective September 1, 2013, each vehicle in the District intended for use as a taxicab shall comply with the uniform color scheme in § 503.3 if—
- (a) It is entering service as a new or replacement vehicle; or
  - (b) It is repainted in whole or in part for any reason.
- 503.2 A taxicab that fails to comply with this section shall not be operated. Each taxicab operated in violation of this section shall subject the owner and operator to the civil penalties set forth in this chapter, including impoundment of the vehicle.
- 503.3 The uniform color scheme for District taxicabs is established as provided in this subsection. Each vehicle shall:
- (a) Be painted red in color to match the D.C. Circulator: 3M Controltac Graphic Film color Geranium 180C-63;
  - (b) Bear a vehicle model specific stripe decal on both sides that: aligns with the bottom of the taxicab tail light at the rear of the vehicle, is made of 3M Controltac Plus Film (or equivalent), and matches Pantone Warm Gray 2 in color;
  - (c) Bear decal letters of the name of the taxicab company, association, or fleet name, or the name of the owner for an independently operated taxicab, and a customer service telephone number on both front side doors (driver and passenger). The decals shall be the color black, in Calibri font, using capital letters that are two and fifteen sixteenths (2-15/16) inches in height measured from the X height and manufactured of 3M Controltac Plus Film (or equivalent);
  - (d) Bear decal letters of the taxicab company, association, or fleet name and fleet vehicle number, if applicable, or the name of the owner and independent taxicab number, if applicable, which shall be on the rear of the body so as to be clearly visible from the rear, on either side of and in

alignment with the center of the vehicle manufacturer placed logo. The decals shall be the color black, in Calibri font, using capital letters that are one and one half (1-1/2) inches in height measured from the X height and manufactured of 3M Controltac Plus Film (or equivalent);

- (e) Display a DCTC Certification Decal, of a size and shape determined by the Office, which shall be affixed in the lower left hand corner of the rear passenger window; and
- (f) If the owner has received express written approval from the Office, based on specifications set forth in one or more Office orders, an insignia, logo, term or symbol as follows—
  - (1) The owner's insignia or logo if the owner is a taxicab company, association, or fleet; or
  - (2) Where the vehicle is an alternative fuel vehicle, a term or symbol commonly used in the motor vehicle or taxicab industry to mark such vehicle.

503.4 Additional information about the specifications for the uniform color scheme shall be maintained on the Commission's website.

503.5 It shall be the responsibility of each taxicab company, association or fleet to ensure that any taxicab bearing its name, insignia or logo, is on the insurance list filed with the Office for that company, association or fleet.

503.6 The operation of a taxicab bearing a name, insignia, or logo in violation of this section shall be presumptive evidence that the operator and the owner are in violation of § 816 (fraud).

503.7 Review process for proposed display of insignia, logo, term, or symbol.

- (a) An owner interested in displaying an insignia, logo, term, or symbol on its vehicle pursuant to § 503.3(f) shall submit an application under oath, in a form acceptable to the Office, accompanied by the appropriate fee, and—
  - (1) Either—
    - (A) If the application seeks approval of a taxicab company, association, or fleet insignia or logo, pursuant to § 503.3(f)(1): an electronic rendering of the design accurately depicting the insignia or logo and its proposed location(s) on the vehicle; or

- (B) If the application is for an term or symbol for an alternative fuel vehicle, pursuant to § 503.3(f)(2), then a website URL for a trade or industry association or vehicle manufacturer website where the term or symbol may be found and which reflects that the term or symbol is commonly used in the motor vehicle or taxicab industry to mark such vehicle, and an electronic rendering accurately depicting the term or symbol and its proposed location(s) on the vehicle; and
- (2) Such additional information and documentation that the Office may require to evaluate the request.
- (b) The Office shall deny an application where the proposed insignia, logo, term or symbol would be offensive, in poor taste, confuse or mislead consumers, undermine the uniform color scheme, or violate any provision of this title or other applicable law.
- (c) The shall render its decision to grant or deny an application in writing within thirty (30) days, which, if denied, may be appealed to the Chairman, whose decision shall be a final, appealable order of the Office.
- (d) If the Office grants its approval, the owner shall complete placement of the insignia, logo, term, or symbol on all of its vehicles within sixty (60) days of the issuance of the approval.

#### 503.8 Prohibitions.

- (a) No paint, graphic, vehicle wrap or decal, paint color, design, insignia, logo, term, symbol, advertisement, signage, display, label, sticker, or lettering shall be placed on any taxicab unless it complies with this section or the owner has obtained the express written approval of the Office.
- (b) There shall not be placed on or in any taxicab, paint, graphic, vehicle wrap or decal, paint color, design, insignia, logo, term, symbol, advertisement, signage, display, label, sticker, lettering or other exterior object which has, tends to have, or may have the effect of confusing, misleading or deceiving the public.

#### **Section 504, COLOR SCHEME APPROVAL, is DELETED.**

#### **Subsection 505.1, INDEPENDENT TAXICABS, is amended to read as follows:**

505.1 After \_\_\_\_\_, the Office shall no longer issue Independent Taxicab Numbers. Existing Independent Taxicab Numbers shall only be displayed on taxicabs consistent with § 503.3(d) and shall only be displayed by the independent owner in possession of the Independent Taxicab Number after \_\_\_\_\_.

**Section 506, TAXICAB REMOVAL FROM SERVICE, is amended to read as follows:**

- 506.1 Immediately upon withdrawing a vehicle from use as a taxicab, the owner shall remove any design, insignia, logo, term, symbol, lettering or other exterior object or trade, association, company or owner's name, vehicle number and remove the dome light and H-tag.
- 506.2 Upon removal of a vehicle from service the owner shall notify any associated the association, company or fleet, and immediately surrender the H-tag to DMV.

**Section 516, COOPERATION WITH THE COMMISSION, is deleted.**

**Chapter 6, TAXICAB PARTS AND EQUIPMENT, is amended as follows:**

**Subsection 602.1(d) is amended to read as follows:**

- 602.1(d) A request by the Commission for the collection of reports or data shall also obligate any company, association, or fleet to be responsible for the collection of that information or data from any taxi driver-owner that is affiliated with, or operating under, the company, association, or fleet's name, logo or insignia. The company, association, or fleet shall be a conduit of that information to the Commission without liability for the transmission of such information to the Commission.

**Chapter 8, OPERATION OF TAXICABS, is amended as follows:**

**Subsection 825.2 is amended to amend the wording of the infraction for “Insignia” to read as follows:**

825.2	INFRACTION	FINE (\$)/PENALTY
	<u>Insignia</u>	
	Failure to have proper name, number, logo or insignia on vehicle	\$50

**Subsection 899 is amended by amending the definitions for “Association”, “Company”, “Fleet”, and “Independently Operated Taxicab” to read as follows:**

**Association** -- a group of taxicab owners organized for the purpose of engaging in the business of taxicab transportation for common benefits regarding operation, name, logo, or insignia.

**Company** – a person, partnership, or corporation engaging in the business of owning and operating a fleet or fleets of taxicabs utilizing the same identifying name, logo or insignia, as approved by the Office.

**Fleet** -- a group of twenty (20) or more taxicabs utilizing the same identifying name, logo or insignia and having unified control by ownership or by association.

**Independently Operated Taxicab** -- a taxicab operated by an individual owner which is not part of a fleet, company, or association and which does not operate under the name, logo or insignia of any fleet, company, or association.

**Chapter 9, INSURANCE REQUIREMENTS, is amended as follows:**

**Subsection 906.1 is amended to read as follows:**

906.1 Sinking fund coverage shall also cease when a member, authorized by the Chairperson of the District of Columbia Taxicab Commission to do so, has changed the name, logo, insignia and identity lettering on any vehicle or vehicles for operation in another association or independently, and has filed with the Office a certificate of insurance or bond, or evidence of sinking fund coverage, if any, by the association to which his or her vehicle or vehicle has or have been transferred.

**Subsection 906.4 is amended to read as follows:**

906.4 Each operator of a public vehicle for hire shall give immediate notice to the owner, company, partnership, or association under whose name, logo or insignia the vehicle is being operated, of each accident accompanied by loss of human life or personal injury, arising directly or indirectly from or connected with the maintenance or operation of the vehicle.

Copies of the proposed rulemaking can be obtained at [www.dcregs.dc.gov](http://www.dcregs.dc.gov) or by contacting Jacques P. Lerner, General Counsel, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to [dctc@dc.gov](mailto:dctc@dc.gov) or by mail to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, DC 20020, Attn: Jacques P. Lerner, General Counsel, no later than thirty (30) days after the publication of this notice in the *D.C Register*.



**DISTRICT OF COLUMBIA TAXICAB COMMISSION**  
**SECOND NOTICE OF PROPOSED RULEMAKING**

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(b)(1) (C), (D), (E), (F), (G), (I), (J), 14, 20, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(b)(1) (C), (D), (E), (F), (G), (I), (J) (2009 Repl.), 50-313 (2012 Supp.), 50-319 (2009 Repl.), and 50-320 (2012 Supp.)); D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Supp.); Section 12 of An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1920, and for other purposes, approved July 11, 1919, approved July 11, 1919 (41 Stat. 104; D.C. Official Code § 50-371 (2009 Repl.)); and Section 6051 of the Fiscal Year 2013 Budget Support Act of 2012 (“District of Columbia Commission Fund Amendment Act of 2012”), effective September 20, 2012 (D.C. Law 19-168, D.C. Official Code § 50-320(a) (2012 Supp.)), hereby gives notice of its intent to adopt amendments to Chapter 12 (Licensing of Limousine Operators, Vehicles and Organizations), of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

Proposed rules amending Chapter 12 (Licensing of Limousine Operators, Vehicles and Organizations) of Title 31 DCMR were originally approved by the Commission for publication on February 13, 2013, and published in the *D.C. Register* on March 15, 2013, at 60 DCR 3748. The Commission held a public hearing on the proposed rules on March 29, 2013, to receive oral comments on the proposed rules. The Commission received valuable comments from the public at the hearing and throughout the comment period, which expired on April 13, 2013. The proposed rules amend Chapter 12 to establish requirements for luxury class services, which are comprised of limousine service and sedan service.

Directions for submitting comments may be found at the end of this notice. The Commission also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice of second proposed rulemaking in the *D.C. Register*.

**Chapter 12 of Title 31, LIMOUSINE OPERATORS AND VEHICLES, of the DCMR is amended as follows:**

**The title of Chapter 12 is amended to read as follows:**

**CHAPTER 12           LUXURY SERVICES – OWNERS, OPERATORS, AND VEHICLES**

**Section 1200, APPLICATION AND SCOPE, is amended as follows:**

**Subsections 1200.3 and 1200.4 are added to read as follows:**

- 1200.3 This chapter establishes licensing and operating requirements for luxury class service, comprised of sedan service and limousine service. Additional and more specific operating requirements applicable only to sedan service are contained in Chapter 14 of this title.
- 1200.4 In the event of a conflict between a provision of this chapter, and another provision of this title or other applicable law, the more restrictive provision shall control.

**Section 1201, GENERAL REQUIREMENTS, is amended to read as follows:**

**1201 GENERAL REQUIREMENTS**

- 1201.1 Operators may be licensed by the Office of Taxicabs (Office) pursuant to § 1209 to provide limousine service, sedan service, or both, and luxury class service (LCS) vehicles may be licensed by the Office pursuant to § 1204 for use as limousines, as sedans, or both. All LCS vehicles may be used as limousines, but only LCS vehicles meeting the definition of “sedan” in § 1299.1 may be operated as sedans.
- 1201.2 The Office may issue Office orders approving certain vehicles as meeting the definition of “sedan” under § 1299.1.
- 1201.3 Operator requirements. An individual shall be authorized to provide luxury class services if he or she:
- (a) Has a valid and current driver’s license from the Department of Motor Vehicles (DMV);
  - (b) Has a valid and current District of Columbia Taxicab Commission (DCTC) operator’s license authorizing the person to provide luxury class service § 1209; and
  - (c) Is in compliance with Chapter 9 (Insurance Requirements) of this title.
- 1201.4 Vehicle requirements. A vehicle shall be authorized to provide luxury class services if it:
- (a) Has been approved and licensed by the Office pursuant to § 1204 for use as a sedan, a limousine, or both;
  - (b) Is registered and displays valid and current livery tags from DMV;
  - (c) Has a valid and current inspection from DMV pursuant to § 1215 and applicable DMV regulations, including inspection for current compliance with the definition of a sedan under § 1299.1, where applicable;

- (d) Is operated in compliance with § 1201.5; and
- (e) Is in compliance with Chapter 9 (Insurance Requirements) of this title.

1201.5 Operating requirements. Luxury class service shall not be provided unless, from the time each trip is booked, through the conclusion of the trip, all of the following requirements are met:

- (a) The operator is in compliance with § 1201.3;
- (b) The vehicle is in compliance with § 1201.4;
- (c) The owner is in compliance with § 1202.1;
- (d) The operator is maintaining at the Office current contact information, including his or her full legal name, residence address, cellular telephone number, and, if associated with an LCS organization, contact information for such organization or for the owner for which he or she drives, and informs the Office of any change in the foregoing information within five (5) business days through U.S. Mail with delivery confirmation, by hand delivery, or in such other manner as the Office may established in an Office order;
- (e) The operator is maintaining in the vehicle a manifest that—
  - (1) Is either—
    - (A) In writing, compiled by the operator not later than the end of each shift using documents stored safely and securely in the vehicle; or
    - (B) Electronic, compiled automatically and in real time throughout each shift;
  - (2) Is in a reasonable, legible, and reliable format that safely and securely maintains the information;
  - (3) Reflects all trips made by the vehicle during the current shift;
  - (4) Includes the date, the time of pick up, the address or location of the pickup, the final destination, and the time of discharge;
  - (5) Does not include terms such as “as directed” in lieu of any information required by this Paragraph; and

- (6) Is kept in the vehicle readily available for immediate inspection by a District enforcement official (including a public vehicle enforcement inspector (hack inspector)).
  - (f) Where limousine service is provided, the trip is booked by contract reservation based on an hourly rate;
  - (g) Where sedan service is provided, the trip is conducted in accordance with the operating requirements of Chapter 14 (Operation of Sedans) of this title;
  - (h) The trip is not booked in response to a street hail solicited or accepted by the operator or by any other person acting on the operator's behalf; and
  - (i) There is no individual present in the vehicle who is not the operator or a passenger for whom a trip is booked or payment is made.
- 1201.5 The penalty for a violation of § 1201.4 (i) by an operator providing LCS service shall be a civil fine of five hundred dollars (\$500), or any other penalty or combination of penalties authorized by § 1218.
- 1201.6 Notwithstanding any other provision of this title, an LCS vehicle, for which valid and current livery tags have been issued by both DMV and by the motor vehicle licensing agency of another jurisdiction, may operate in the District during such times when:
- (a) It displays valid and current tags from such other jurisdiction;
  - (b) It displays on its windshield a valid and current vehicle registration sticker from DMV; and
  - (3) The luxury tags issued by DMV are maintained in the vehicle available for inspection upon demand by a District enforcement official and such vehicle is otherwise in full compliance with this chapter.

**The title of Section 1202 is amended to read as follows:**

## **LICENSING OF VEHICLE OWNERS**

**Section 1202, LICENSING OF VEHICLE OWNERS, is amended as follows:**

**Subsection 1202.1 is amended to read as follows:**

- 1202.1 No LCS organization, or owner of an independently operated LCS vehicle, shall operate in the District without first paying the applicable fee and obtaining a certificate of authority to operate. Applicable fees are as follows:

- (a) LCS organizations: four hundred seventy five dollars (\$475) (annual operating authority of three hundred seventy five dollars (\$375) and a business license fee of one hundred dollars (\$100)), and;
- (b) Owners of independently operated vehicles: two hundred fifty dollars (\$250) (annual operating authority of one hundred fifty dollars (\$150) and a business license fee of one hundred dollars (\$100)).

**The lead-in text to Subsection 1202.2 is amended to read as follows:**

1202.2 Each LCS organization shall file with Office, in addition to other information and data required by law, the following:

**Paragraph 1202.2 (d) is amended to read as follows:**

- (d) The name and residence address of the lessee and owner of each LCS vehicle operated by the organization;

**Paragraph 1202.2 (f) is amended to read as follows:**

- (f) The ownership, seating capacity, make, year, weight, and vehicle identification number of all vehicles;

**Paragraphs 1202.2 (l) and 1202.2 (m) are amended to read as follows:**

- (l) A description of service(s) to be rendered, including time(s) of operation; and
- (m) A schedule of rates and charges consistent with the information required by § 1202.10.

**Subsection 1202.4 is amended to read as follows:**

1202.4 Each base owner and LCS organization shall comply with all record keeping procedures established by the Commission. The operational information required to be maintained by § 1202.2 shall be safeguarded and maintained at the office of the organization for a period of five (5) years.

**Subsection 1202.9 is amended to read as follows:**

1202.9 Any LCS organization that fails to timely file information as required in § 1202.2 shall be subject to a civil fine of two-hundred fifty dollars (\$250).

**A new Subsection 1202.10 is added as follows:**

1202.10 Each vehicle owner that fails to timely renew its license under this Section shall be subject to a civil fine of five-hundred dollars (\$500).

**A new Subsection 1202.11 is added as follows:**

1202.11 Each LCS organization shall post its current limousine rates and charges on its website, if any, and shall maintain its current limousine rates and charges with the Office. No fare may be charged by an LCS organization based on a rate or charge that is not posted or maintained as provided in this subsection at the time of the booking.

**Section 1203, REQUIREMENT OF BASE OWNER, is amended as follows:**

**Subsection 1203.1 is amended to read as follows:**

1203.1 Each limousine or sedan base owner may maintain an office in the District with an operable telephone number listed in the name of the organization.

**The title of Section 1204 is amended to read as follows:**

**LICENSING OF LCS VEHICLES**

**Section 1204, LICENSING OF LCS VEHICLES, is amended as follows:**

**Subsections 1204.1 through 1204.7 are amended to read as follows:**

1204.1 An owner or lessee of a vehicle proposed to be operated as an LCS vehicle (“applicant”), in the District shall first obtain a license for such vehicle from the Office prior to applying for L Tags at DMV.

1204.2 Each applicant shall file an application for each vehicle license using a form approved by the Office, accompanied by the applicable fee. Each application shall set forth the applicant’s lawful name, business addresses, business and mobile telephone numbers, tax identification number, and an indication of whether the applicant intends to operate the vehicle as a limousine, as a sedan, or as both.

1204.3 Each applicant shall present evidence that the vehicle has been inspected for safety by DMV.

1204.4 The Office shall inspect the vehicle to determine whether it meets the definitions of “sedan”, “limousine”, or both, as set forth in § 1299.1, consistent with the applicant’s stated intentions for the use of vehicle.

1204.5 Upon receipt of an application and evidence satisfactory to the Office that all requirements have been met, including the DMV inspection required by § 1204.3,

the Office shall issue a license to the owner, and shall otherwise deny such license.

1204.6 The fee for each license to operate a vehicle for luxury class service shall be one-hundred dollars (\$100) for each vehicle.

1204.7 Each vehicle license shall be in the form prescribed by the Office and shall contain any information the Office considers appropriate.

**The title of Section 1205 is amended to read as follows:**

**LICENSING OF LCS VEHICLE OPERATORS – ELIGIBILITY REQUIREMENTS**

**Section 1205, LICENSING OF LCS VEHICLE OPERATORS – ELIGIBILITY REQUIREMENTS, is amended as follows:**

**Subsection 1205.1 is amended to read as follows:**

1205.1 Each applicant for a license to operate an LCS vehicle (“applicant”) shall be at least eighteen (18) years of age.

**Subsection 1205.6 is amended to read as follows:**

1205.6 No operator’s license shall be issued by the Office to any person who is required by this chapter to take and pass an examination unless that person has successfully passed an examination which shall including testing of the applicant’s ability to read, write, and speak the English language.

**Subsections 1205.12 and 1205.13 are amended to read as follows:**

1205.12 Notwithstanding the provisions of § 1205.11, if the parole or the probation arose out of a conviction other than those listed in § 1205.13, the parolee’s or probationer’s application may be considered for approval if a letter from the appropriate parole or probation officer is submitted with the application stating that there is no objection to the issuance of a limousine or sedan operator’s license.

1205.13 An applicant shall not be considered of good moral character if the applicant has been convicted of or has served any part of a sentence for the following crimes, or an attempt to commit any of the following crimes, within the three (3) year period immediately preceding the filing of the application:

- (a) Murder, manslaughter, mayhem, malicious disfiguring of another, arson, kidnapping, burglary, housebreaking, robbery, theft, fraud, or unlawful possession of a firearm;

- (b) Assault with the intent to commit any offense punishable by imprisonment in the penitentiary;
- (c) A sexual offense proscribed by D.C. Official Code § 22-1901 (incest), §§ 22-3101 to 22-3103 (sexual performances using minors), §§ 22-2701 to 22-2722 (prostitution and pandering), § 22-4801 (rape), or by § 22-3801 (indecent acts with children) or, an act committed outside the District which, if committed in the District, would constitute an offense under the foregoing statutes;
- (d) A violation of the D.C. Uniformed Controlled Substances Act of 1981 or the Drug Paraphernalia Act of 1982, D.C. Official Code §§ 48-901.01, *et seq.* and §§ 48-1101 *et seq.* or, an act committed outside the District which, if committed in the District, would constitute an offense under the foregoing statutes;
- (e) Any criminal offense committed against a passenger; or
- (f) Any criminal offense committed against any person that involves the use of a public vehicle-for-hire in a wanton, reckless, depraved, or malicious manner.

**The title of Section 1206 is amended to read as follows:**

#### **LICENSING OF LCS VEHICLE OPERATORS – APPLICATION PROCESS**

**Section 1206, LICENSING OF LCS VEHICLE OPERATORS – APPLICATION PROCESS, is amended as follows:**

**Section 1206.1 is amended to read as follows:**

- 1206.1 Each application for an operator’s license shall use a form provided by the Office, shall indicate the applicant’s choice of whether such applicant proposes to be licensed to provide limousine service, sedan service, or both, and shall be accompanied by the applicable fee.

**Section 1206.3 is amended to read as follows:**

- 1206.3 Each application shall be accompanied by two (2) new full face and one (1) profile head and shoulders color photographs, measuring one and three quarter inches by one and seven-eighths inches (1 <sup>3</sup>/<sub>4</sub> in. x 1 <sup>7</sup>/<sub>8</sub> in.) in size.

**Section 1206.7 is amended to read as follows:**

- 1206.7 If the applicant is a member of the Armed Forces at the time the application is filed, the application shall be accompanied by written permission of the



appropriate commanding officer permitting the applicant to receive an operator's license.

**The title of Section 1207 is amended to read as follows:**

**LICENSING OF LCS VEHICLE OPERATORS – HEALTH REQUIREMENTS**

**Section 1207, LICENSING OF LCS VEHICLE OPERATORS – HEALTH REQUIREMENTS, is amended to read as follows:**

- 1207.1 Each application for a new or renewal operator's license shall be accompanied by a certificate from a licensed physician who resides in the Washington Metropolitan Area.
- 1207.2 The certificate shall be on a form provided by the Office executed under penalty of perjury.
- 1207.3 The certificate shall be executed no earlier than thirty (30) days before the date on which the application is filed.
- 1207.4 The certificate shall not be considered sufficient to support an application unless it contains all of the following:
  - (a) A statement that the applicant is not afflicted with any disease or infirmity, such as a contagious disease, epilepsy, vertigo, fainting spells, blackouts, attacks of dizziness, or another medical condition that, in the discretion of the Office, may render the applicant unsafe or unsatisfactory as a vehicle operator;
  - (b) A statement that the applicant has central visual acuity of at least twenty/forty (20/40) in one (1) eye, either unassisted or assisted by glasses or contact lenses, and hearing of at least ten/twenty (10/20) in one (1) ear; and
  - (c) Such additional information or documentation relating to the applicant’s past or present medical history as the Office deems appropriate.

**The title of Section 1208 is amended to read as follows:**

**LICENSING OF LCS VEHICLE OPERATORS – INVESTIGATION, EXAMINATION, AND EDUCATION REQUIREMENTS**

**Section 1208, LICENSING OF LCS VEHICLE OPERATORS – INVESTIGATION, EXAMINATION, AND EDUCATION REQUIREMENTS, is amended as follows:**

- 1208.1 Upon receipt of an application for a license to operate, the Office shall investigate

each applicant to verify the identity and determine the competency, fitness, and eligibility of the applicant for a license.

1208.2 Each applicant shall attend and complete such courses of training and education as the Office requires, and shall successfully pass such tests as the Office requires as conditions for licensing.

**The title of Section 1209 is amended to read as follows:**

**LICENSING OF LCS VEHICLE OPERATORS – ISSUANCE OF LICENSES**

**Section 1209, LICENSING OF LCS VEHICLE OPERATORS – ISSUANCE OF LICENSES, is amended as follows:**

**Subsections 1209.2 and 1209.4 of are amended to read as follows:**

1209.2 Each operator’s license shall have marked upon its face a statement indicating that it is valid only for the luxury class of service(s) for which it is issued, and such additional terms and conditions as the Office may deem necessary (such as statements that the document is nontransferable and may not be duplicated).

1209.4 Each person to whom an operator’s license has been issued shall, during the term of the license, reside within the Washington Metropolitan Area, and shall, no later than five (5) days following the termination of the residence within the Washington Metropolitan Area, surrender the license to the Office.

**Section 1210, DENIAL OF LICENSE AND REAPPLICATION, is amended as follows:**

**Subsection 1210.1 is amended to read as follows:**

1210.1 An applicant who has been denied a license to operate under this chapter for reasons other than for failure to complete successfully an examination may file a new application for a license after the expiration of not less than six (6) months after the denial.

**Section 1211, LOSS, THEFT OR DESTRUCTION OF LICENSE, is amended as follows:**

**Subsection 1211.1 is amended to read as follows:**

1211.1 In case of the loss, theft, or destruction of any operator or vehicle license issued pursuant to this chapter, the licensee shall immediately notify the Office of the loss, theft, or destruction.

**The title of Section 1212 is amended to read as follows:**

**ENFORCEMENT OF THIS CHAPTER**

**Section 1212, ENFORCEMENT OF THIS CHAPTER, is amended to read as follows:**

1212.1 The enforcement of this chapter shall be governed by the procedures set forth in Chapter 7 of this title.

**The title of Section 1213 is amended to read as follows:**

**WHEELCHAIR ACCESSIBILITY REQUIREMENTS FOR LCS ORGANIZATIONS PROVIDING SEDAN SERVICE**

**Section 1213, WHEELCHAIR ACCESSIBILITY REQUIREMENTS FOR LCS ORGANIZATIONS PROVIDING SEDAN SERVICE, is amended to read as follows:**

1213.1 Each LCS organization with twenty (20) or more sedan class vehicles in its fleet, that does not have wheelchair-accessible vehicles in its fleet, shall provide contact information for LCS organizations that do have such vehicles, when requested by a customer.

1213.2 Each LCS organization with twenty (20) or more vehicles licensed under this Chapter to be operated as sedans on or after the effective date of this rulemaking, shall dedicate a portion of such vehicles as follows:

- (a) At least six percent (6%) of such vehicles shall be wheelchair-accessible by December 31, 2014;
- (b) At least twelve percent (12%) of such vehicles shall be wheelchair-accessible by December 31, 2016; and
- (c) At least twenty percent (20%) of such vehicles shall be wheelchair-accessible by December 31, 2018.

**The title of Section 1214 is amended to read as follows:**

**RENEWAL OF OPERATOR LICENSE**

**Section 1214, RENEWAL OF OPERATOR LICENSE, is amended as follows:**

**Subsection 1214.1 is amended to read as follows:**

1214.1 A licensed operator may seek to renew the license by applying at the Office beginning forty-five (45) days prior to the expiration of the license.

**Subsection 1214.3 is amended to read as follows:**

1214.3 If an individual fails to submit an application to renew the license to operate for

ninety (90) days following the expiration date of the license, he or she shall be required to apply for a new license to operate pursuant to the provisions of this chapter.

**The title of Section 1215 is amended to read as follows:**

**VEHICLE SAFETY AND COMPLIANCE**

**Section 1215, VEHICLE SAFETY AND COMPLIANCE, is amended to read as follows:**

- 1215.1 Each luxury class vehicle shall be inspected annually by DMV to determine whether it is in compliance with:
- (a) All applicable DMV motor vehicle regulations and other applicable laws;
  - (b) All applicable provisions of this title, including those related to the vehicle's interior and exterior, body, cleanliness, repairs, mechanical parts, and the vehicle license issued by the Office under § 1204.5.
- 1215.2 A District enforcement official may inspect and test a vehicle's lights, brakes, steering assembly, tires, horn, component of a system used to calculate fares, process payments or print receipts, or any other device or equipment installed in the vehicle or authorized or required by a provision of this title or Title 18 of the DCMR, at any time when such vehicle is on the public streets or on public space.
- 1215.3 A District enforcement official may order removed from a public street or public space any luxury class vehicle that appears to be unsafe or improperly equipped and may order the owner or operator to promptly take the vehicle to a District motor vehicle inspection station, for the purpose of re-inspection, without regard to whether or not the vehicle displays a valid and current DMV inspection sticker.
- 1215.4 No person may operate, move, or permit the operation or use of any vehicle that is mechanically unsafe, improperly equipped, or otherwise unfit to be operated. Such vehicles shall be impounded.
- 1215.5 The Office may from time-to-time institute vehicle equipment inspection checkpoints to randomly inspect vehicles for the protection of passengers and the general public. Such vehicle equipment inspection checkpoints shall be operated in accordance with this title and all other applicable laws.

**Section 1217, ADVERTISING, is amended as follows:**

**Subsection 1217.1 is amended to read as follows:**

- 1217.1 No advertising or advertising device shall be placed on or in any LCS vehicle except with the written approval of the Office.

**Section 1218, PENALTIES, is amended to read as follows:**

**1218 PENALTIES**

1218.1 Each violation of this chapter by an operator shall subject the violator to:

- (a) Except where otherwise provided in this chapter, a civil fine not to exceed two hundred fifty dollars (\$250), provided, however, that the applicable fine for a violation of this chapter shall be doubled for the second offense within any twenty four (24) month period and tripled for the third and any subsequent offense within such period;
- (b) The suspension, revocation, or non-renewal of the violator's DCTC operator's license issued under this chapter;
- (c) Impoundment of a vehicle found to be operating in violation of this chapter; or
- (d) A combination of the sanctions listed in paragraphs (a)-(c) of this subsection.

1218.2 Each violation of this chapter by an LCS organization shall subject the violator to:

- (a) A civil fine not to exceed five hundred dollars (\$500); provided, however, that the applicable fine for a violation of this chapter shall be doubled for the second offense within any twenty four (24) month period and tripled for the third and any subsequent offense within such period;
- (b) The suspension, revocation, or non-renewal of the LCS organization's operating authority issued under this chapter;
- (c) Impoundment of each vehicle owned by the organization found to be operating in violation of this chapter; or
- (d) A combination of the sanctions listed in paragraphs (a)-(c) of this subsection.

**The title of Section 1219 is amended to read as follows:**

**RECIPROCITY WITH SURROUNDING JURISDICTIONS**

**Section 1219 RECIPROCITY WITH SURROUNDING JURISDICTIONS**

1219.1 The reciprocity provisions of § 828 of this title shall apply to all luxury class service.

**A new Section 1220 is added to read as follows:**

**1220 PROHIBITIONS**

- 1220.1 No person shall participate in providing LCS services in the District unless such person is in compliance with all applicable provisions of this chapter, all other applicable provisions of this title, and other applicable laws.
- 1220.2 No operator shall provide limousine service except as provided in this chapter.
- 1220.3 No operator shall provide sedan service except as provided in this chapter and in Chapter 14 (Operation of Sedans) of this title.
- 1220.4 No LCS organization or base owner shall knowingly permit the use of its LCS vehicle in violation of this chapter or Chapter 14 of this title.

**Section 1299, DEFINITIONS, is amended to read as follows:**

- 1299.1 When used in this chapter, the following words and phrases shall have the meaning ascribed.

**Associates** – is a voluntary relationship of employment, contract, ownership, or other legal affiliation. An association not in writing shall be ineffective for purposes of this title.

**Contract reservation** – an advance booking for limousine service that includes the start time and the hourly rate.

**Customer** – a person that requests public vehicle-for-hire service on behalf of any person.

**DCTC public vehicle-for-hire license** – a vehicle license issued pursuant to D.C. Official Code § 47-2829(h) (2012 Supp.).

**District enforcement official** – a public vehicle enforcement inspector (hack inspector) or other authorized official, employee, or general counsel of the Office, or a law enforcement official authorized to enforce a provision of this title.

**DMV** – D.C. Department of Motor Vehicles.

**EPA** – U.S. Environmental Protection Agency.

**DCTC identification card (face card)** – the licensing document for an operator's license issued under D.C. Official Code § 47-2829(i) (2012 Supp.).

**Impoundment** – impoundment that occurs pursuant to the Taxicab and Passenger Vehicle for Hire Impoundment Act of 1992, effective March 16, 1993, (D.C. Law 9-199, D.C. Official Code § 50-331).

**Independently Operated Vehicle** – an LCS vehicle not associated with an LCS organization.

**Limousine** – any LCS vehicle.

**LCS organization** – an owner of two or more LCS vehicles.

**Licensing document** - a physical or electronic document issued to a person as evidence that such person has been issued a license under this title.

**Livery tags** – vehicle tags issued by a motor vehicle licensing agency for a public vehicle-for-hire used to provide luxury class services, including the “L” tags issued by DMV.

**Luxury class service or LCS service** – limousine and sedan service.

**Luxury class vehicle or LCS vehicle** – a public vehicle-for-hire that meets the following requirements:

- (a) It is designated by EPA as a Large Car, Mid-size Car, Passenger Van, or Sport Utility Vehicle;
- (b) It is equipped with three (3) or more passenger doors;
- (c) It is designed to carry at least four (4) and fewer than nine (9) passengers, excluding the operator;
- (d) It is equipped with luxury features installed by the vehicle’s manufacturer, such as a premium sound system, reading lights, aluminum wheels, and noise-dampening materials; and
- (e) If it has shading of its windows, such shading is of the rear or rear passenger windows only and does not reduce light transmission by more than fifty (50) percent through such windows.

**Operator** – an individual who operates an LCS vehicle.

**Owner** – a person, corporation, partnership, or association, including an LCS organization or independent owner, that holds the legal title to an LCS vehicle, the registration of which is required in the District of Columbia. If a vehicle is the subject of an agreement for the conditional sale or lease with the right of purchase upon performance of the condition stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee, lessee, or mortgagor shall be considered the owner.

**Sedan** – a public vehicle-for-hire that meets the requirements for an LCS vehicle and the following additional requirements:

- (a) It is not designated by the EPA as a Passenger Van;
- (b) It is not stretched;
- (c) It has a curb weight of at least three thousand, two hundred (3,200) lbs;
- (d) It is not a salvaged vehicle or a vehicle rented from an entity whose predominant business is that of renting motor vehicles on a time basis;
- (e) It was manufactured during the five (5) model year period ending in the calendar year during which the vehicle licensing or re-licensing is sought; and
- (f) It is blue-black or black in color.

**Washington Metropolitan Area** – has the same meaning ascribed in § 899.1.

Copies of the proposed rulemaking can be obtained at [www.dcregs.dc.gov](http://www.dcregs.dc.gov) or by contacting Jacques P. Lerner, General Counsel, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to [dctc@dc.gov](mailto:dctc@dc.gov) or by mail to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, DC 20020, Attn: Jacques P. Lerner, General Counsel, no later than thirty (30) days after the publication of this notice in the *D.C Register*.



**DISTRICT OF COLUMBIA TAXICAB COMMISSION**  
**SECOND NOTICE OF PROPOSED RULEMAKING**

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(b)(1) (C), (D), (E), (F), (G), (I), (J), 14, 20, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(b)(1) (C), (D), (E), (F), (G), (I), (J) (2009 Repl.), 50-313 (2012 Supp.), 50-319 (2009 Repl.), and 50-320 (2012 Supp.)); D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Supp.); Section 12 of An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1920, and for other purposes, approved July 11, 1919, approved July 11, 1919 (41 Stat. 104; D.C. Official Code § 50-371 (2009 Repl.)); and Section 6051 of the Fiscal Year 2013 Budget Support Act of 2012 (District of Columbia Commission Fund Amendment Act of 2012), effective September 20, 2012 (D.C. Law 19-168, D.C. Official Code § 50-320(a)) (2012 Supp.), hereby gives notice of its intent to adopt rules to establish a new Chapter 14 (Operation of Sedans) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR). Directions for submitting comments may be found at the end of this Notice.

Proposed rules amending Chapter 14 (Licensing of Limousine Operators, Vehicles and Organizations) of Title 31 DCMR were originally approved by the Commission for publication on February 13, 2013, and published in the *D.C. Register* on March 15, 2013, at 60 DCR 3761. The Commission held a public hearing on the proposed rules on March 29, 2013, to receive oral comments on the proposed rules. The Commission received valuable comments from the public at the hearing and throughout the comment period, which expired on April 13, 2013. The rulemaking establishes a Chapter 14 to establish substantive rules governing the operation of public vehicle-for-hire operators and vehicles licensed pursuant to Chapter 12 (Sedan and Limousine Operators, Vehicles, and Organizations) of this title to provide sedan service in the District of Columbia.

Directions for submitting comments may be found at the end of this Notice. The Commission also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register*.

**The Commission intends to add Chapter 14, OPERATION OF SEDANS, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR to read as follows:**

**CHAPTER 14 OPERATION OF SEDANS**

**1400 APPLICATION AND SCOPE**

1400.1 This chapter establishes substantive rules governing the operation of sedan service in the District, including rules to ensure the safety of passengers and operators, to protect consumers, and to collect a sedan passenger surcharge.

- 1400.2 The provisions of this chapter shall be interpreted to comply with the language and intent of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-301, *et seq.*).
- 1400.3 In the event of a conflict between a provision of this chapter and a provision of another chapter of this title, the more restrictive provision shall control.

#### **1401 GENERAL PROVISIONS**

- 1401.1 Effective September 1, 2013, each sedan class trip in the District shall meet the following requirements:
- (a) It shall be booked through a digital dispatch;
  - (b) It shall be paid for by a digital payment;
  - (c) The digital dispatch and digital payment shall be processed through a digital payment system that meets the requirements of § 1404 and is included in a digital dispatch service (DDS)'s current certificate of operating authority issued under Chapter 16 of this title;
  - (d) The DDS shall be in compliance with this chapter and Chapter 16; and
  - (e) The vehicle, owner, and operator shall be in compliance with this chapter and Chapter 12.
- 1401.2 Any person that violates the requirements of § 1401.1 or other provision of this chapter will be subject to civil penalties, including impoundment of the vehicle.
- 1401.3 No person shall provide digital dispatch or digital payment for sedans in the District unless such person is a digital dispatch service with a current certificate of operating authority under Chapter 16 that includes a digital payment system for sedans under this chapter.
- 1401.4 Each DDS interested in marketing a digital payment system to sedan owners and operators shall apply for and obtain an initial, renewed, or amended certificate of operating authority under Chapter 16 that includes approval of such digital payment system. Each DDS with such operating authority shall comply with the provisions of this chapter and Chapter 16 of this title.
- 1401.5 Each operator, vehicle, and luxury class service (LCS) organization or independent operator that participates in providing sedan service shall at all times comply with the provisions of this chapter, Chapter 12 (Luxury Services – Owners, Operators, and Vehicles) of this title and other applicable laws, including reciprocal agreements between governmental bodies in the Washington

Metropolitan Area governing public vehicle-for-hire service (including those in § 828 to the same extent as taxicabs).

1401.6 All costs associated with a digital payment system, including those associated with development (which may arise while seeking approval of a digital payment system under Chapter 16), compliance with any provision of this title or other applicable law, compliance with an Office of Taxicabs (Office) order, service and support, upgrade, installation, operation, repair, and maintenance, shall be the responsibility of the DDS, but may be allocated by written agreement among the DDS and the owners and operators with which it associates.

1401.7 Nothing in this chapter shall be construed to solicit or create a contractual relationship between the District and any person.

## **1402 SEDAN CLASS RATES AND CHARGES**

1402.1 Passenger rates and charges for sedan class service shall:

- (a) Be based on time and distance, except for a set fare for a route approved by the Office order for a well-traveled route, including a trip to an airport or to an event;
- (b) Be disclosed to the passenger in a statement of the DDS' fare calculation method;
- (c) Be used to calculate an estimated fare that shall be offered to the passenger prior to the acceptance of service, which shall state whether demand pricing applies, and, if so, the effect of such pricing on the estimate;
- (d) Be consistent with the DDS statement of its fare calculation method posted on its website pursuant to Chapter 16;
- (e) Not exceed the estimated fare by more than twenty percent (20%) or twenty five dollars (\$25), whichever is less, unless the excess is due to delays or stopovers en route at the direction of the passenger, or other factors beyond the operator's control, such as traffic, accidents, or construction; and
- (f) Not include a gratuity that does not meet the definition of a "gratuity".

## **1403 PASSENGER SURCHARGE AND INVENTORY REQUIREMENTS FOR SEDAN CLASS SERVICE**

1403.1 Each DDS that dispatches sedans shall ensure that the sedan passenger surcharge is collected from the passenger and paid to the District for each trip, and shall—

- (a) Remit a payment to the District as directed by the Office at the end of each seven (7) day period reflecting the sum of all sedan passenger surcharges owed to the Office for trips made during such period, based on the trip data provided during such period, and sending contemporaneously via email a report to the Office certifying its payment and providing a basis for the amount thereof; and
- (b) Cooperate with the Office in the event of a discrepancy between a payment and the trip data from the digital payment system, provided however, that if the DDS and Office are unable to agree on a resolution of a dispute within thirty (30) days, the Office may, in its discretion, make a claim against the security bond to satisfy the amount of the discrepancy.

1403.2 The bond paid to the Office at the time of application under § 1604.3 for an initial, renewed, or amended certificate of operating authority under Chapter 16 that includes approval of such digital payment system shall be returned to the DDS within thirty (30) days following an event that causes the digital payment system to no longer be approved, provided, however, that the bond shall not be returned while there remains a discrepancy in the amount owed for sedan passenger surcharges.

1403.3 Each DDS that dispatches sedans shall maintain with the Office an accurate and current inventory of the vehicles and operators associated with the DDS to use its digital payment system, including—

- (a) For each vehicle:
  - (1) The name of and contact information for the owner (LCS organization or independent owner/operator);
  - (2) The vehicle's vehicle identification number (VIN), make, model, and year of manufacture;
  - (3) A certification that the vehicle is in compliance with Chapter 9 (Insurance Requirements) of this title;
  - (4) An indication of whether the vehicle is wheelchair accessible;
  - (5) An indication of whether the vehicle is in active use; and
- (b) For each operator:
  - (1) His or her name and contact information;

- (2) His or her District of Columbia Taxicab Commission (DCTC) operator license number;
- (3) An indication of whether he or she is actively using the digital payment system (DPS); and
- (4) If the operator is associated with an LCS organization, its name and contact information.

1404.4 Each DDS shall file its initial inventory at the time it applies for an initial, amended, or renewed certificate of operating authority under § 1604.2 (f).

#### **1404 DIGITAL PAYMENT SYSTEMS – REQUIREMENTS**

1404.1 Each digital payment system (DPS) approved by the Office as part of a DDS' initial, renewed, or amended certificate of operating authority under Chapter 16 shall meet the requirements of this section.

1404.2 Equipment requirements. Each DPS unit shall consist of any reasonable combination of digital technologies that:

- (a) Allows the owner and operator to provide service in compliance with this chapter and Chapter 12 of this title, and allows the DDS to comply with §§ 1403.3 and 1404; and
- (b) Provides the passenger with a written or electronic receipt, before the passenger exits the vehicle, containing:
  - (1) the date and time of the trip;
  - (2) the distance of the trip;
  - (3) the vehicle's tag number,
  - (4) the name and customer service telephone number of the DDS;
  - (5) information sufficient to allow the passenger to reference the passenger's DDS account or payment card used to pay the fare;
  - (6) the total fare and a breakdown of the fare including all rates and charges, and any gratuity; and
  - (7) the following statement: "Sedan service in Washington, DC is regulated by the DC Taxicab Commission, 2041 Martin

Luther King Jr., Ave., SE, Suite 204, Washington, DC 20020, [www.dctaxi.dc.gov](http://www.dctaxi.dc.gov), [dctc3@dc.gov](mailto:dctc3@dc.gov), 1-855-484-4966, TTY 711”.

- 1404.3 Service and support requirements. The DDS, using data from each DPS unit, shall:
- (a) Transmit to the TCIS every twenty-four (24) hours via a single data feed consistent in structure across all digital payment systems, the following data:
    - (1) The date;
    - (2) The operator identification number and vehicle tag number in an anonymous format established by the Office that allows the DDS to maintain a record of the identity of the operator and the vehicle;
    - (3) The time at the beginning of each tour of duty;
    - (4) The distance of each trip;
    - (5) The time of pickup and drop-off of each trip;
    - (6) The geospatially-recorded place of pickup of each trip; and the geospatially-recorded place drop-off of each trip which may be generalized to census tract level;
    - (7) A unique trip number assigned by the DDS to each trip;
    - (8) The total fare and a breakdown of the fare including all rates and charges and any gratuity;
    - (9) The time at the end of the tour of duty;
  - (b) Provide the Office with the information necessary to insure that the DDS pays and the Office receives the sedan passenger surcharge for each sedan trip;
  - (c) Process each payment for each sedan trip, which shall not exceed the fare allowed by this Chapter; and
  - (d) Insure the timely transmission of an electronic receipt.

**1405****PROHIBITIONS**

- 1405.1 No LCS owner or operator shall provide sedan service in the District except as required by this chapter, Chapter 12 of this title, and other applicable laws.
- 1405.2 No DDS shall provide dispatch or payment services for sedan class service in the District except as required by this chapter, Chapter 16 of this title, and other applicable laws.
- 1405.3 No person shall provide sedan service in the District unless the fare, including all rates and charges, comply with § 1402 and all other applicable provisions of this chapter.
- 1405.4 No person providing sedan service in the District shall charge a gratuity, regardless of how such amount is styled, that does not comply with § 1402.1(f).
- 1405.5 No person shall participate in providing sedan service in the District unless the passenger surcharge is collected from the passenger and received by the District as required by § 1403.
- 1405.6 No person shall provide sedan service if the vehicle or the operator is not on the DDS vehicle inventory at the time the digital dispatch was initiated by the passenger.
- 1405.7 No owner or operator may alter or tamper with a component of a DPS unit or make any change in the vehicle that prevents the DPS unit from operating as required by this Chapter.
- 1405.8 No operator may provide service using a DPS unit that has been tampered with, broken, or altered. The operation of a sedan with a tampered, broken, or altered DPS shall give rise to a rebuttable presumption that the operator knew of the tampering, breaking, or alteration.
- 1405.9 Sedan class service shall not be booked except through a digital dispatch transmitted to the operator by a DDS using a digital payment system with current operating authority to operate such system.
- 1405.10 No DDS shall allow its associated operators to access a passenger's payment information after the payment has been processed.
- 1405.11 Each operator shall pick up a passenger at the time and location provided in the digital dispatch.
- 1405.12 No operator shall provide sedan service using a vehicle that does not comply with all applicable provisions of Chapter 12.

**1406 PENALTIES**

- 1406.1 Each violation of this chapter by an LCS organization, independent operator, or vehicle operator, shall subject the violator to:
- (a) Except where otherwise provided in § 1406.3, a civil fine of two-hundred fifty (\$250) dollars, which shall double for the second violation of the same provision, and triple for each violation of the same provision thereafter;
  - (b) Suspension, revocation, or non-renewal of the operator's license issued pursuant to Chapter 12 of this title;
  - (c) Impoundment of each vehicle found to be operating in violation of this chapter, including operating as a sedan without an office-approved DPS or with a DPS unit the approval of which has been suspended, revoked, or not renewed;
  - (d) Confiscation of any DPS equipment used in violation of this chapter; or
  - (e) A combination of the sanctions enumerated in this subsection.
- 1406.2 Each violation of this chapter by a DDS or its authorized representative shall subject the DDS to:
- (a) Except where otherwise provided in § 1406.3, a civil fine of five hundred (\$500) dollars, which shall double for the second violation of the same provision, and triple for each violation of the same provision thereafter;
  - (b) Suspension, revocation, or non-renewal of the approval of the DPS associated with the DDS;
  - (c) Suspension, revocation, or non-renewal of the certificate of registration of the DDS issued by the Office under Chapter 16 of this title;
  - (d) Confiscation of any DPS equipment used in violation of this chapter; or
  - (e) A combination of the sanctions enumerated in this subsection.
- 1406.3 The following civil fines are established for violations of §§ 1405.4, 1405.8, and 1405.11, in addition to any other civil penalty or combination of penalties authorized by §§ 1406.1 and 1406.2.
- (a) For a violation of § 1405.4 for charging or processing a payment that includes an unlawful gratuity—
    - (1) If the violator is an operator: a civil fine equal to ten (10) times the amount of the unlawful gratuity, or three hundred dollars (\$300),



whichever is more; and

(2) If the violator is a DDS: a civil fine equal to twenty (20) times the amount of the unlawful gratuity, or five hundred dollars (\$500), whichever is more;

(b) For a violation of § 1405.9 by an operator who accepts or solicits a street hail: a civil fine of three hundred dollars (\$300);

(c) For a violation of § 1405.12 for failing to pick up a passenger at the time and location provided in the digital dispatch—

(1) If the violator is an operator: a civil fine of five hundred dollars (\$500); and

(2) If the violator is a DDS: a civil fine of one thousand dollars (\$1,000).

**1407 ENFORCEMENT OF THIS CHAPTER**

1407.1 The enforcement of any provision of this chapter shall be governed by the procedures set forth in Chapter 7 (Complaints Against Taxicab Owners of Operators) of this title.

**1499 DEFINITIONS**

1499.1 The terms “independent operator”, “LCS organization”, “limousine,” “luxury class services”, “operator”, “owner”, and “sedan,” shall have the meanings ascribed to them in Chapter 12 of this title.

1499.2 The terms “DDS,” “digital dispatch,” “digital dispatch service,” “digital payment,” and “dispatch” shall have the meanings ascribed to them in Chapter 16 of this title.

1499.3 The terms “cashless payment”, “gratuity”, “payment service provider”, “PSP” and “TCIS” shall have the meanings ascribed to them in Chapter 4 of this title.

1499.4 The following words and phrases shall have the meanings ascribed:

**“Associated”** - a voluntary relationship of employment, contract, ownership, or other legal affiliation. For purposes of this chapter, an association not in writing shall be ineffective for compliance purposes.

**“District enforcement official”** - a public vehicle enforcement inspector (hack inspector) or other authorized official, employee, or general counsel of the

Office, or any law enforcement official authorized to enforce a provision of this title.

**“Sedan passenger surcharge”** - a twenty-five cent (\$.25) passenger surcharge for each sedan class trip.

Copies of this proposed rulemaking can be obtained at [www.dcregs.dc.gov](http://www.dcregs.dc.gov) or by contacting Jacques Lerner, General Counsel and Secretary to the Commission, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. All persons desiring to file comments on this proposed rulemaking should submit written comments via e-mail to [dctc@dc.gov](mailto:dctc@dc.gov) or by postal mail or hand delivery to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, D.C. 20020, Attn: Jacques Lerner, Interim General Counsel and Secretary to the Commission. Comments should be filed within thirty (30) days after publication of this notice in the *D.C. Register*.

**DISTRICT OF COLUMBIA TAXICAB COMMISSION**

**SECOND NOTICE OF PROPOSED RULEMAKING**

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(b)(1) (C), (D), (E), (F), (G), (I), (J), 14, 20, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(b)(1) (C), (D), (E), (F), (G), (I), (J) (2009 Repl.), 50-313 (2012 Supp.), 50-319 (2009 Repl.), and 50-320 (2012 Supp.)); D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Supp.)); Section 12 of An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1920, and for other purposes, approved July 11, 1919, approved July 11, 1919 (41 Stat. 104; D.C. Official Code § 50-371 (2009 Repl.)); and Section 6051 of the Fiscal Year 2013 Budget Support Act of 2012 (District of Columbia Commission Fund Amendment Act of 2012), effective September 20, 2012 (D.C. Law 19-168, D.C. Official Code § 50-320(a)) (2012 Supp.)), hereby gives notice of its intent to adopt rules to establish a new Chapter 16 (Dispatch Services) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

Proposed rules amending Chapter 16 (Dispatch Services) of DCMR Title 31 were originally approved by the Commission for publication on February 13, 2013, and published in the *D.C. Register* on March 15, 2013, at 60 DCR 3774. The Commission held a public hearing on the proposed rules on March 29, 2013, to receive oral comments on the proposed rules. The Commission received valuable comments from the public at the hearing and throughout the comment period, which expired on April 13, 2013. The rulemaking establishes a new Chapter 16 to establish substantive rules governing dispatch services for public vehicles-for-hire, including rules to ensure the safety of passengers and operators, for consumer protection, and to collect a passenger surcharge.

Directions for submitting comments may be found at the end of this Notice. The Commission also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register*.

**The Commission intends to add Chapter 16, DISPATCH SERVICES, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, to read as follows:**

**CHAPTER 16 DISPATCH SERVICES**

**1600 APPLICATION AND SCOPE**

1600.1 This chapter establishes substantive rules governing dispatch services for public vehicles-for-hire, including rules to ensure the safety of passengers and operators, for consumer protection, and to collect a passenger surcharge.

1600.2 The provisions of this Chapter shall be interpreted to comply with the language and intent of the District of Columbia Taxicab Commission Establishment Act of

1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-301, *et seq.*).

1600.3 In the event of a conflict between a provision of this Chapter and a provision of another chapter of this title, the more restrictive provision shall control.

## **1601 GENERAL REQUIREMENTS**

1601.1 No person shall provide telephone or digital dispatch, or digital payment, for public vehicles-for-hire in the District, except in compliance with this chapter, all applicable provisions of this title, and other applicable laws.

1601.2 Nothing in this chapter shall be construed to solicit or create a contractual relationship between the District of Columbia and any person.

1601.3 Implementation of regulations applicable to dispatch services and associated owners and operators. Beginning on September 1, 2013, each dispatch service shall —

(a) Operate in compliance with § 1603; and

(b) Maintain current operating authority from the Office of Taxicabs (Office) under § 1604 that extends to all services it provides in the District;

1601.4 No person regulated by this title shall knowingly associate with a dispatch service not in compliance with all applicable provisions of this title and other applicable laws.

## **1602 RELATED SERVICES**

1602.1 A dispatch service may be operated by a person that offers other services regulated by this title, such as a taxicab company or payment service provider, provided such other services are in compliance with all applicable provisions of this title and other applicable laws, and may share a place of business with such service(s) if the place of business is in compliance with this title and other applicable laws, including the requirement for a certificate of occupancy provided by the Department of Consumer and Regulatory Affairs.

1602.3 All provisions of this title applicable to digital dispatch services (DDS) shall apply equally to each DDS regardless of whether such DDS receives payment from the passenger or the operator in connection with dispatch services.

## **1603 OPERATING REQUIREMENTS FOR ALL DISPATCH SERVICES**

1603.1 No dispatch service shall operate in the District except in compliance with all provisions of this section.

- 1603.2 Each dispatch service that provides digital services for sedans shall operate in compliance with Chapter 14.
- 1603.3 Each dispatch service that participates in providing taxicab service shall operate in compliance with Chapter 8.
- 1603.4 Each dispatch provided by a dispatch service shall comply with the definition of “dispatch”.
- 1603.5 Each gratuity charged by a dispatch service shall comply with the definition of “gratuity”.
- 1603.6 Each digital dispatch service that processes digital payments shall—
- (a) Comply with the fare requirements of § 801 for taxicab service and § 1402 for sedan service;
  - (b) If the payments are processed for taxicab service, such service shall be provided to passengers only where the DDS associates with a payment service provider whose modern taximeter system (MTS) has been approved by the Office under Chapter 4;
  - (c) Provide receipts as required by § 803.3 for taxicab service and § 1404.2 (b) for sedan service;
  - (d) Use technology that meets Open Web Application Security Project (“OWASP”) security guidelines, complies with current standards of the PCI Security Standards Council (“Council”) for payment card data security, if such standards exist, and, if not, then with current guidelines of the Council for payment card data security, and, for direct debit transactions, complies with the rules and guidelines of the National Automated Clearing House Association; and
  - (e) Promptly inform the Office of a security breach requiring a report under the D.C. Consumer Personal Information Security Breach Notification Act of 2006, effective March 8, 2007 (D.C. Law 16-237, D.C. Official Code §§ 28-3851, *et seq.*), or other applicable law.
- 1603.7 Where digital payment is available, a passenger may choose to pay the taximeter fare in the taxicab or to have it included in the digital payment, provided however, that any dispatch or booking fee charged by the DDS, in addition to the taximeter fare, shall only be paid through digital payment.
- 1603.8 Each dispatch shall clearly provide the person seeking service with the options to request an available wheelchair-accessible vehicle.

1603.9 Each dispatch service shall maintain a bona fide administrative office or a registered agent authorized to accept service of process, provided, however, a dispatch service operated by a taxicab company required to maintain such an office pursuant to Chapter 5 of this title shall operate its dispatch service at that location or another bona fide administrative office.

1603.10 Each dispatch service shall maintain a customer service telephone number for passengers with a "202" prefix or a toll-free area code, or an email address posted on its website that is answered or replied to during normal business hours.

1603.11 Each dispatch service shall maintain a website with current information that includes:

- (a) The name of the dispatch service;
- (b) Contact information for its bona fide administrative office or registered agent authorized to accept service of process;
- (c) Its customer service telephone number or email address;
- (d) A statement of how the fare is calculated for each class of service it offers, which shall include a statement of the rates and charges allowed by § 1402, and, for sedan service, shall indicate whether the dispatch service uses demand pricing and, if so, how such pricing affects its rates; and
- (e) The following statement prominently displayed:

<p>Public vehicle-for-hire services in Washington, DC  is regulated by the DC Taxicab Commission  2041 Martin Luther King Jr., Ave., SE, Suite 204  Washington, DC. 20020  www.dctaxi.dc.gov  dctc3@dc.gov 1-855-484-4966 TTY: 711</p>
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1603.12 Each dispatch service shall comply with §§ 508 through 513, to the same extent as if it were a taxicab company.

1603.13 Each dispatch service shall provide its services throughout the entire District.

1603.14 Each dispatch service shall require through its terms of service that each vehicle operator with which it is associated fully perform the service agreed to in in the dispatch, including picking up the passenger at the agreed time and location, except for a bona fide reason not prohibited by § 819.5 or other applicable provision of this Title.

1603.15 (a) A dispatch service shall not:

- (1) Release information to any person that would result in a violation of the personal privacy of the passenger or the person requesting service, or that would threaten the safety of a passenger or an operator; or
- (2) Permit access to real-time information about the location, apparent gender, or number of passengers awaiting pick up by a person not authorized by the dispatch service to receive such information.

(b) This Subsection shall not limit access to information by the Office or a District enforcement official.

1603.16 A dispatch service shall not transmit to the operator any information about the destination of a trip, except for the jurisdiction of the destination, until the trip has been booked.

1603.17 Each dispatch service shall store its business records in compliance with industry best practices and all applicable laws, make its business records available for inspection and copying as directed by the Office, and retain its business records for five (5) years.

1603.18 Each dispatch service shall be in compliance with all applicable provisions of this Title and other laws applicable to public vehicles-for-hire, including all reciprocal agreements between governmental bodies in the Washington Metropolitan Area governing public vehicle-for-hire service such as those in § 828.

1603.19 Each DDS that provides digital services for sedans shall:

- (a) Maintain with the Office an accurate and current inventory of the vehicles and operators associated with the DDS to use its system in the manner required by § 1403; and
- (b) Collect from the passenger and pay to the District the sedan passenger surcharge in the manner required by § 1403.

**1604 CERTIFICATE OF OPERATING AUTHORITY**

1604.1 No dispatch service shall operate in the District unless it has a current certificate of operating authority issued by the Office pursuant to this Chapter which expressly includes such service, provided, however, that a taxicab company with existing operating authority, which, as of the effective date, is operating a telephone dispatch service.

- 1604.2 A dispatch service shall file an application for an initial certificate of operating authority from the Office by providing the following information and documentation:
- (a) Its name and contact information;
  - (b) The name of and contact information for each public vehicle-for-hire business or service associated with, or operated by an owner of, the DDS, including any payment service provider, and any business or service operated or offered outside the District,
  - (c) A detailed technical description of the dispatch or payment solutions or digital payment system offered by the DDS, including the trade names and software applications, platforms, and operating systems used;
  - (d) A sample of each agreement or policy, including any user agreement or privacy policy, applicable to the DDS's association with vehicle owners and operators, and with persons seeking public vehicle-for-hire services;
  - (e) An indication by the applicant of whether the dispatch service intends to offer dispatch of sedans, and whether it intends to offer dispatch services or digital payments for taxicabs, or both;
  - (f) Its initial operator and vehicle inventory pursuant to § 1403; and
  - (g) Such other information and documentation as the Office may require to determine that the dispatch or payment solutions offered by the DDS meets the requirements of § 1602.
- 1604.3 Each application under § 1604.2 shall be provided under penalty of perjury, and accompanied by: the bond required by § 1403 if the DDS will be dispatching sedans; and a fee of five hundred dollars (\$500), except that the fee for an application to amend an existing certificate of operating authority under § 1604.5, regardless of the number of services proposed to be added to the existing certificate, shall be three hundred dollars (\$300).
- 1604.4 Each certificate of operating authority shall continue in force and effect for twenty four (24) months, during which time no substantial change may be made to a DDS's dispatch or payment solution for taxicabs, or digital payment system for sedans, without written approval from the Office. A DDS shall inform the Office of a proposed substantial change to its dispatch or payment solution or digital payment system for sedans, that would require written approval at least thirty (30) days prior to the change, and shall notify the Office of any other change in the information contained in the certification or its supporting documentation, such as contact information, within seven (7) days of the change.



- 1604.5 Each DDS with current operating authority under this section may at any time file an application to amend its operating authority to include additional services it wishes to market to public vehicle-for-hire owners and operators.
- 1604.6 Each DDS with current operating authority under this section shall file to renew its operating authority at least sixty (60) days prior to the expiration thereof, by providing the information or documentation required for an initial application to the extent required by the Office. Operating authority shall continue in force and effect beyond its expiration period during such time as an application to renew is pending acceptance in proper form.
- 1604.7 A DDS that maintains current operating authority under this section shall annually provide, beginning on the first (1<sup>st</sup>) day of the thirteenth (13<sup>th</sup>) month after its operating authority was issued:
- (a) A report on the wait times and fares charged to passengers seeking wheelchair-accessible service in the prior twelve (12) months; and
  - (b) A list of incidents in the prior twelve (12) months involving an allegation or dispute concerning:
    - (1) A payment, where the dispute involved fifty dollars (\$50) or more;
    - (2) Fraud or criminal activity; or
    - (3) Violations of the anti-discrimination rules of Chapter 5 of this title.
- 1604.8 The Office may arrange one (1) demonstration for each of the DDS's dispatch or payment solutions for taxicabs, or its digital payment system for sedans, where the Office's technical staff may examine and test the equipment and ask questions of the DDS's technical staff, who shall attend the demonstration.
- 1604.9 The Office shall determine whether to grant or deny an application within fourteen (14) days after it is filed, provided however, that such period may be extended by the Office for no more than ten (10) days with notice to the DDS.
- 1604.10 If the Office grants an application, it shall provide notice to the DDS in writing.
- 1604.11 If the Office denies an application, it shall state the reasons for its decision in writing. A decision to deny may be appealed to the Chief of the Office within fifteen (15) business days, and, otherwise, shall constitute a final decision of the Office. The Chief shall issue a decision within thirty (30) days. A timely appeal of a denial shall extend an existing certificate pending the Chief's decision. A decision of the Chief to affirm or reverse a denial shall constitute a final decision of the Office. A decision of the Chief to remand to the Office for further review

of the filing shall extend an existing certificate pending the final decision of the Office.

1604.12 The name of each DDS with current operating authority, and the name of each service included in such authority, including any dispatch or payment solutions for taxicabs, or a digital payment system for sedans, shall be listed on the Commission's website.

1604.13 Operating authority may be temporarily or indefinitely suspended by the Office with reasonable notice and an opportunity to be heard if the Office learns that any of the DDS's services, or the persons using it, are not in substantial compliance with this title, or if a DDS's digital payment system, or its dispatch or payment solution, is being used in a manner that poses a significant threat to passenger or operator safety, or consumer protection.

## **1605 PROHIBITIONS**

1605.1 No person shall dispatch a public vehicle-for hire or process a digital payment for a public vehicle-for-hire in the District except as provided in this chapter.

1605.2 No person shall operate a dispatch service without a valid and current certificate of operating authority that extends to all the services it provides in the District.

1605.3 No dispatch service shall dispatch or process digital payments except as provided in this chapter and Chapter 8 (for taxicabs), and this chapter and Chapter 14 (for sedans), and all other applicable provisions of this title and other applicable laws.

1605.4 No dispatch services shall dispatch or process payments of sedan service in the District unless the payment, and the fare, including the rates, charges, and gratuity, if any, comply with the applicable provisions of § 1603.6, and the DDS collects the sedan passenger surcharge and received by the District.

1605.5 No dispatch service may alter or attempt to alter its legal obligations under this title or to impose an obligation on any person or limit the rights of any person in a manner that is contrary to public policy or that threatens passenger or operator safety or consumer protection.

1605.6 A DDS shall not provide digital dispatches to a taxicab operator who provides service with a vehicle that displays on its exterior the name, color scheme, or other unique branding of a taxicab fleet or association, if such fleet or association does not agree to the operator's association with the DDS, and—

- (a) For thirty (30) days following the effective date of this rulemaking, such fleet or association is operating a dispatch service limited to its associated vehicles; or

- (b) After thirty (30) days following the effective date of this rulemaking, such fleet or association has filed for or received registration for a DDS limited to its associated vehicles.

1605.7 No DDS shall provide digital payment for taxicabs except through an association with a payment service provider.

1605.8 No DDS shall provide digital payment for taxicabs which allows the operator to manually enter fare information into any device except as permitted by § 801.

1605.9 No fee charged by a DDS in addition to a taximeter fare shall be processed by a payment service provider, or displayed on or paid using any component of an MTS unit.

1605.10 No DDS shall provide a digital payment service for taxicabs that allows the operator to manually enter fare information into any device, except for a fee charged by the DDS in addition to the taximeter fare.

**1606 ENFORCEMENT**

1606.1 The enforcement of any provision of this chapter shall be governed by the procedures set forth in Chapter 7 of this title.

**1607 PENALTIES**

1607.1 A dispatch service that violates this chapter shall be subject to:

- (a) A civil fine of five hundred dollars (\$500) for the first violation of a provision, one-thousand dollars (\$1,000) for the second violation of the same provision, and one-thousand five-hundred dollars (\$1,500) for each subsequent violation of the same provision;
- (b) Suspension, revocation, or non-renewal of a Certificate of Registration or Certificate of Operating Authority;
- (c) Any penalty available under Chapter 6 in connection with the service and support of an MTS for the operation of taxicabs or under Chapter 14 in connection with the service and support of a sedan payment system (SPS) for the operation of sedans; or
- (d) Any combination of the sanctions listed in this Subsection.

**1699 DEFINITIONS**

- 1699.1 The terms “cashless payment,” “modern taximeter system,” “MTS,” “MTS unit”, “payment service provider”, “PSP”, and “taximeter fare” shall have the meanings ascribed in Chapter 4 of this title.
- 1699.2 The term “sedan” shall have the meaning ascribed to it in Chapter 12 of this title.
- 1699.3 The terms “digital payment,” “sedan payment system,” and “SPS” shall have the meanings ascribed to them in Chapter 14 of this title.
- 1699.4 The term “person” and “license” shall have the meanings ascribed to them in the D.C. Administrative Procedure Act, D.C. Official Code § 2-502.
- 1699.5 The following words and phrases shall have the meanings ascribed:
- “**Associated**” connotes a voluntary relationship of employment, contract, ownership, or other legal affiliation. For purposes of this chapter, an association not in writing shall be ineffective for compliance purposes.
- “**Booked**” means agreed and accepted by the customer.
- “**Customer**” is a person that requests public vehicle-for-hire service, including a passenger, or any other person that requests service on behalf of a passenger.
- “**Dispatch**” means booking public vehicle-for-hire service through an advance reservation consisting of a request for service from a person seeking service, an offer of service by the dispatch service, an acceptance of service by the person seeking service, and an acknowledgement by the dispatch service that includes an estimated time of arrival of a booked vehicle.
- “**Digital dispatch**” is dispatch via computer, mobile phone application, text, email, or Web-based reservation.
- “**Digital payment**” means a non-cash payment processed by a digital dispatch service and not by the vehicle operator, such as a payment by a payment card (a credit or debit card), processed through a mobile- or Web-based application. A digital payment does not mean a “cashless payment” as such term is defined in Chapter 6 of this title.
- “**Digital services**” means digital dispatch or digital payment for a public vehicle-for-hire.
- “**Dispatch service**” is a business that offers telephone or digital dispatch.
- “**District enforcement official**” means a public vehicle enforcement inspector or other authorized official, employee, or general counsel of the Office, or a law enforcement official authorized to enforce a provision of this title.

**“Independent operating authority”** means any of the following current and valid licenses issued under this title: approval for a modern taximeter system under Chapter 4; operating authority for a taxicab company, fleet, or association under Chapter 5; registration of a digital payment system for sedans under Chapter 14; or operating authority for an LCS organization under Chapter 12.

**“Passenger surcharge”** means the passenger surcharge required to be collected and remitted to the Office for each trip in a taxicab or sedan, as established by Chapter 6 for taxicabs and by Chapter 14 for sedans.

**“Telephone dispatch”** is dispatch via telephone.

Copies of the intended rulemaking can be obtained at [www.dcregs.dc.gov](http://www.dcregs.dc.gov) or by contacting Jacques Lerner, General Counsel and Secretary to the Commission, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. All persons desiring to file comments on the intended rulemaking should submit written comments via e-mail to [dctc@dc.gov](mailto:dctc@dc.gov) or by postal mail or hand delivery to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, D.C. 20020, Attn: Jacques Lerner, Interim General Counsel and Secretary to the Commission. Comments should be filed within thirty (30) days after publication of this notice in the *D.C. Register*.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**SECOND NOTICE OF PROPOSED RULEMAKING**  
**Z.C. Case No. 12-10**  
**(Text Amendment – 11 DCMR)**  
**(New Chapter 34, Green Area Ratio)**

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2008 Repl.)), hereby gives notice of its intent to amend the Zoning Regulations, Title 11 (Zoning) of the District of Columbia Municipal Regulations (DCMR), by adding a new Chapter 34, Green Area Ratio.

The Commission had originally proposed the new chapter in a Notice of Proposed Rulemaking published in the *D.C. Register* on January 11, 2013 at 60 DCR 224. That notice also included a proposal to add a new § 412, Pervious Surface Minimum Requirements for R-1 through R-4 Zone Districts, and a new § 2111, Surface Parking Lots Landscaping Standards. No changes are proposed for those two sections.

However, as a result of comments received with respect to new Chapter 34, the Commission is proposing certain changes in the published text to add additional exemptions, provide for an effective date of October 1, 2013, and to not apply a green area ratio requirement to compliant building permit applications filed prior to the effective date and to certain building permit applications filed after that date. Normally, zoning construction rights do not vest until permit issuance pursuant to 11 DCMR § 3202.4, with the exception of construction authorized by an order of the Board of Zoning Adjustment.

In addition, insertions and deletions are proposed for the following three (3) subsections (additions shown in **bold** and underlined text and deletions shown in ~~striketrough~~ text):

- 3402.5 If multiple landscape elements occupy the same area, for example groundcover under a tree **or trees and shrubs on an intensive green roof**, the full square footage or equivalent square footage of each element may be counted.
- 3403.3 Bioretention facilities shall be landscaped areas that receive rainwater from surrounding areas and use plants and soils to slow, filter, and infiltrate stormwater runoff. Bioretention facilities include but are not limited to rain or rainwater gardens, bioretention planters, ~~Baysavers~~, or linear cells or swales. These do not include structures made of cement or concrete alone.
- 3403.6 Vegetated roofs shall meet the following conditions:
- (a) Designs for vegetated roofs must include plans to provide supplemental water;
  - (b) Where stormwater harvesting for irrigation is proposed, vegetated roofs shall contain a connection to the proposed irrigation system; and

- (c) The **groundcover** vegetation on a vegetated roof is not additionally eligible for groundcover value towards GAR requirements.

All comments received in response to the initial notice of proposed rulemaking will remain in the record.

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*.

**Title 11 DCMR (Zoning) is proposed to be amended as follows:**

**A new Chapter 34, GREEN AREA RATIO, is added to read as follows:**

- 3400 INTRODUCTION TO GREEN AREA RATIO
- 3401 APPLICABILITY OF GREEN AREA RATIO STANDARDS
- 3402 CALCULATION OF GREEN AREA RATIO
- 3403 LANDSCAPE ELEMENT CONDITIONS FOR GREEN AREA RATIO
- 3404 SUBMITTAL REQUIREMENTS FOR GREEN AREA RATIO
- 3405 SPECIAL EXCEPTIONS FOR GREEN AREA RATIO
- 3406 MAINTENANCE REQUIREMENTS FOR GREEN AREA RATIO

**CHAPTER 34 GREEN AREA RATIO**

**3400 INTRODUCTION TO GREEN AREA RATIO**

3400.1 Green Area Ratio (GAR) is the ratio of the weighted value of landscape elements to land area. The GAR score relates to an increase in the quantity and quality of environmental performance of the urban landscape.

3400.2 Green Area Ratio sets integrated environmental requirements for landscape elements and site design that contribute to the reduction of stormwater runoff, the improvement of air quality, and the mitigation of the urban heat island effect.

- 3400.3 The purposes of the GAR regulations are to:
- (a) Implement a value-based system of requirements for environmental site design that provides flexibility in meeting environmental performance standards; and
  - (b) Promote attractive and environmentally functional landscapes.

- 3400.4 The purpose of this chapter is to:
- (a) Provide general guidance about the regulation of GAR requirements;

- (b) Define the applicability of GAR;
- (c) Set forth the formula for calculating the GAR and define its component parts;
- (d) Identify those landscape elements that are included in the GAR, explain how their area is measured, and set forth eligibility conditions;
- (e) Establish multipliers for each eligible landscape element;
- (f) Indicate what plans and certifications must accompany an application submitted to demonstrate proof of GAR compliance; and
- (g) Establish maintenance requirements for the landscape elements that are provided as part of a property's GAR requirement.

**3401 APPLICABILITY OF GREEN AREA RATIO STANDARDS**

3401.1 The requirements of this chapter shall become applicable October 1, 2013.

3401.2 Except as provided in § 3401.3 and pursuant to the conditions and requirements of this chapter, properties in zones listed in the following table shall provide a GAR as specified in the following table:

ZONE DISTRICT	GREEN AREA RATIO
R-5-A and R-5-B	0.40
R-5-C, R-5-D and R-5-E C-1, C-2-A, C-2-B and C-2-C W-1, W-2, W-3 SP-1, SP-2	0.30
C-3-A, C-3-B	0.25
C-3-C, C-4, C-5, CR and any property within the DDD overlay	0.20
CM-1, CM-2, CM-3 and M, <ul style="list-style-type: none"> <li>• all structures except one story warehouses</li> <li>• one story warehouses</li> </ul>	<ul style="list-style-type: none"> <li>• 0.30</li> <li>• 0.10</li> </ul>

3401.3 The GAR standards set forth in this chapter shall apply to all new buildings and to all existing buildings where any additions within any twelve (12) month period exceed one hundred percent (100%) of the assessed value of the building as set forth in the records of the Office of Tax and Revenue as of the date of the building permit application, except:



- (a) Buildings that do not require certificates of occupancy;
- (b) Municipal wastewater treatment facilities operated by the District of Columbia Water and Sewer Authority;
- (c) The interior renovation of an existing building that:
  - (1) Is located in the Central Employment Area;
  - (2) Has an existing 100% lot occupancy prior to the filing of the building permit;
  - (3) Has an existing roof that cannot support a dead load of four inches (4 in.) of growth medium on the roof; and
  - (4) The work proposed by the building permit application will not result in a roof capable of supporting a dead load of four inches (4 in.) of growth medium on the roof; or
- (d) A historic resource and any additions thereto subject to the provisions of § 3401.7.

3401.4 Notwithstanding §§ 3202.4 and 3401.2, the provisions of this chapter shall not apply to any application for a building permit:

- (a) That has been officially accepted by the Department of Consumer and Regulatory Affairs as being complete prior to October 1, 2013 if the building permit plans are consistent; or
- (b) Filed on or after October 1, 2013 if the building permit plans are consistent with:
  - (1) An unexpired approval of a planned unit development, variance, special exception, design review under the CG or SEFC overlay, or concept design by the Historic Preservation Review Board or Commission of Fine Arts; provided the vote to approve occurred prior to October 1, 2013;
  - (2) An unexpired approval of a variance, special exception, or design review under the CG or SEFC overlay granted on or after October 1, 2013, for which a public hearing was held prior thereto;
  - (3) An unexpired approval of a planned unit development that was granted after October 1, 2013, but which was set down for a public hearing prior thereto;

- (4) A Large Tract Review completed prior to July 1, 2012 subject to the following:
  - (A) The application shall be filed no later than July 1, 2014;
  - (B) The application shall be consistent with the conditions of the Large Tract Review;
  - (C) The building shall achieve a GAR of no less than 0.1; and
  - (D) This subparagraph shall expire on July 2, 2014.

3401.5 Any approved change or modification to a permit, project or application in §§ 3401.3 and 3401.4 that results in an increase in impervious surface or lot occupancy of twenty percent (20%) or more shall cause the GAR to be applicable for that portion of a project that is effected by the modification.

3401.6 In addition to meeting the applicable burden for obtaining further processing approval under a campus plan to construct or add to a building, the college or university applicant shall demonstrate the extent to which the building or addition meets the GAR standards. Further processing approval shall include the determination by the Zoning Commission that the proposed building is compliant with the intent of the GAR regulations.

3401.7 A historic resource and any additions thereto are exempt from the requirement of this chapter as a result of a change of use or an increase of intensity of use, except that this chapter shall be applicable when any addition results in an increase in the gross floor area of the historic resource by 50% or more. For the purposes of this chapter a “historical resource” is a building or structure listed in the District of Columbia Inventory of Historic Sites or a building or structure certified in writing by the State Historic Preservation Officer as contributing to the character of the historic district in which it is located.

3401.8 The cost basis for additions, alterations or repairs to an existing building shall be the amount indicated by the applicant on the application for a building permit.

**3402 CALCULATION OF GREEN AREA RATIO**

3402.1 The GAR shall be calculated using the following formula:

$$\text{GAR} = \frac{(\text{area of landscape element 1} \times \text{multiplier}) + (\text{area of landscape element 2} \times \text{multiplier}) + \dots}{\text{Lot Area}}$$

- 3402.2 For the purposes of the above formula and the remainder of this chapter:
- (a) The term “landscape element” refers to one of the elements listed in the table in § 3402.9, and will be hereafter referred to as “landscape element” or “element;”
  - (b) The term “multiplier” refers the number listed the Table in § 3402.9 that corresponds to a “landscape element”; and
  - (c) The “area of landscape element” shall be the square feet of a landscape element, unless the element is a tree or large shrub, in which case “area of landscape element” refers to the element’s equivalent square footage as indicated in § 3402.7.

- 3402.3 The process for calculating a property’s GAR under the formula is as follows:
- (a) The area of each landscape element is multiplied by its corresponding multiplier;
  - (b) The resulting numbers for all landscape elements are added together;
  - (c) The resulting point total is then divided by the total land area of the lot; and
  - (d) The product of the equation equals the property’s GAR.

3402.4 The total points for all permeable paving and enhanced tree growth credits may not count for more than one-third (1/3) of the GAR score for a lot.

3402.5 If multiple landscape elements occupy the same area, for example groundcover under a tree or trees and shrubs on an intensive green roof, the full square footage or equivalent square footage of each element may be counted.

3402.6 A landscape element must meet the eligibility conditions of § 3403.

3402.7 Equivalent square feet of tree canopy and large shrubs are identified in the table below.

GREEN AREA RATIO LANDSCAPE ELEMENTS	EQUIVALENT SQUARE FOOTAGE
Plants, not including grasses, at least 2 feet tall at maturity	9 s.f. per plant
Tree canopy for trees 2.5 inches to 6 inches in diameter	50 s.f. per tree
Tree canopy for trees 6 inches to 12 inches in diameter	250 s.f. per tree
Tree canopy for trees 12 inches to 18 inches in diameter	600 s.f. per tree
Tree canopy for trees 18 inches to 24 inches in diameter	1300 s.f. per tree

Tree canopy for trees larger than 24 inches in diameter	2000 s.f. per tree
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3402.8 Landscape elements of the GAR shall be measured in the following ways:

- (a) All trees shall be measured for diameter at a height four feet, six inches (4 ft. 6 in.) above grade when planted and the square footage equivalent based on diameter shall be as established in the table in § 3402.7;
- (b) For vegetated walls, use the vertical square footage of the portion of the wall covered by vegetation; and
- (c) For all other elements other than trees, large shrubs, perennials, and vegetated walls, square footage is determined by the area of a horizontal plane that is over the element.

3402.9 Eligible landscape elements are identified in the table below:

<b>GREEN AREA RATIO LANDSCAPE ELEMENTS</b>	<b>MULTIPLIER</b>
Landsaped area (select one of the following for each area)	
Landsaped areas with a soil depth of less than 24 inches	0.3
Landsaped areas with a soil depth of 24 inches or more	0.6
Bioretention facilities	0.4
Plantings	
Ground covers, or other plants less than 2 feet tall at maturity	0.2
Plants , not including grasses, at least 2 feet tall at maturity	0.3
Tree canopy for all trees 2.5 inches to 6 inches in diameter	0.5
Tree canopy for new trees 6 inches in diameter or larger	0.6
Tree canopy for preservation of existing trees 6 inches to 24 inches in diameter	0.7
Tree canopy for preservation of existing trees 24 inches diameter or larger	0.8
Vegetated wall, plantings on a vertical surface	0.6
Vegetated roofs	
Extensive vegetated roof over at least 2 inches but less than 8 inches of growth medium	0.6
Intensive vegetated roof over at least 8 inches of growth medium	0.8
Permeable paving	
Permeable paving over at least 6 inches and less than 2 feet of soil or	0.4

GREEN AREA RATIO LANDSCAPE ELEMENTS	MULTIPLIER
gravel	
Permeable paving over at least 2 feet of soil or gravel	0.5
Other	
Enhanced tree growth systems	0.4
Renewable energy generation (area of)	0.5
Water features (using at least 50% recycled water)	0.2
Bonuses	
Native plant species listed in §3403.9	0.1
Landscaping in food cultivation	0.1
Harvested stormwater irrigation	0.1

**3403 LANDSCAPE ELEMENT CONDITIONS FOR GREEN AREA RATIO**

3403.1 No landscape element may be counted towards a property’s GAR unless it meets the applicable conditions stated in this section.

3403.2 Plantings over the specified soil depths shall meet the required conditions listed in the Table of Landscape Elements and Multipliers in § 3402.9.

3403.3 Bioretention facilities shall be landscaped areas that receive rainwater from surrounding areas and use plants and soils to slow, filter, and infiltrate stormwater runoff. *Bioretention facilities* include but are not limited to rain or rainwater gardens, bioretention planters, or linear cells or swales. These do not include structures made of cement or concrete alone.

3403.4 Trees shall meet the following conditions:

- (a) All trees shall be at least two and one-half inches (2.5 in.) in diameter measured at a height four feet, six inches (4 ft. 6 in.) above grade when planted and shall be replaced if damaged or killed by any cause; and
- (b) All trees shall meet the American Standard for Nursery stock, as set forth by the American Nursery and Landscape Association.

3403.5 Vegetated walls shall meet the following conditions:

- (a) The maximum calculated vertical dimension shall not exceed thirty feet (30 ft.) unless the vegetated wall features a built-in growth medium;
- (b) The area calculated for the vegetated wall features shall be fully covered within a period of two (2) to five (5) years from planning;

- (c) The area calculated is the ground coverage area, not the total plant growth area;
- (d) The walls shall be at least five feet (5 ft.) from a side or rear lot line; and
- (e) Where stormwater harvesting for irrigation is proposed, vegetated walls shall contain a connection to the proposed irrigation system.

3403.6 Vegetated roofs shall meet the following conditions:

- (a) Designs for vegetated roofs must include plans to provide supplemental water;
- (b) Where stormwater harvesting for irrigation is proposed, vegetated roofs shall contain a connection to the proposed irrigation system; and
- (c) The groundcover vegetation on a vegetated roof is not additionally eligible for groundcover value towards GAR requirements.

3403.7 Water features shall meet the following conditions:

- (a) Water features must use harvested rainwater for at least fifty percent (50%) of the annual flow; and
- (b) The water features must be under water for at least six (6) months out of twelve (12).

3403.8 Enhanced tree growth systems shall meet the following conditions:

- (a) Be at least twenty-four inches (24 in.) deep, under pavement, and adjacent to planting areas; and
- (b) Be composed of soils that are not considered contaminated or compacted according to federal SUPERFUND legislation.<sup>1</sup>

3403.9 Native plant species shall meet the following conditions:

- (a) The plants are listed in the U.S. Fish and Wildlife Service's Native Plants for Wildlife Conservation Landscaping: Chesapeake Bay Watershed guide; or
- (b) The applicant provides two (2) references in current publications showing that the plant is native to the region; and

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<sup>1</sup> See The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, approved December 11, 1980 (94 Stat. 2767; 42 USC § 9601 *et seq.*).

- (c) The plant is not listed on the U.S. Fish and Wildlife Service's list of Plant Invaders of Mid-Atlantic Natural Areas.

3403.10 Food cultivation shall meet the following conditions:

- (a) All food cultivation areas must be easily accessible to at least one occupant of the building;
- (b) All food cultivation areas must have a source of water that can reach all portions of the food cultivation area; and
- (c) The cultivation of animals for food is not eligible for GAR credits.

3403.11 Harvesting stormwater for irrigation shall meet the following conditions:

- (a) If the irrigation type is spray, applicants shall follow treatment standards set forth in the current District Department of Environment's Stormwater Management Guidebook; and
- (b) If the irrigation type is drip, no additional treatment of stormwater is required.

#### **3404 SUBMITTAL REQUIREMENTS FOR GREEN AREA RATIO**

3404.1 This section lists the submittal requirements for demonstrating compliance with a GAR requirement.

3404.2 For the purposes of this section, the term Certified Landscape Expert means a person who is a:

- (a) State of Virginia certified landscape architect;
- (b) State of Maryland certified landscape architect;
- (c) International Society of Arboriculture Certified Arborist;
- (d) Maryland's certified Professional Horticulturist; or
- (e) Landscape Contractors Association MD-DC-VA Certified Landscape Technician;

- 3404.3 Applicants shall submit a GAR score sheet with the GAR calculated for the given lot at the time of building permit application.
- 3404.4 Applicants shall provide a landscape plan prepared by a Certified Landscape Expert that includes the following information:
- (a) GAR elements called out by category and area, which may be provided as a part of the landscape plan or as a separate document;
  - (b) Lot dimension and size;
  - (c) Location and areas of all landscape elements with dimensions;
  - (d) Location, size, and species of all plants used to meet requirements;
  - (e) Both common and botanical names of all plant material;
  - (f) Identification of all existing trees that are to be preserved, with their location, trunk diameter at four feet, six inches (4 ft. 6 in.) above grade, canopy radius, and species;
  - (g) Plans indicating how preserved trees and other plants will be protected during demolition and construction;
  - (h) Location and dimensions of wheel stops, curbs, or other devices to protect landscaping for landscaped areas adjacent to driveways;
  - (i) A schematic irrigation and drainage plan and the size and depth of all plant containers for rooftop or container landscaping or areas to be irrigated with rainwater;
  - (j) Location and size of any trees to be removed;
  - (k) Specifications for soil improvement; and
  - (l) Signature of the Certified Landscape Expert who prepared the plans together as verification that plantings and other landscape elements meet the requirements of the this chapter.
- 3404.5 Applicants shall provide a landscape maintenance plan prepared and signed by a Certified Landscape Expert that describes how the plantings, water features and hardscape features will be cared for and maintained including:
- (a) Soil preparation;
  - (b) Use of compost;



- (c) Plant replacement;
- (d) Irrigation;
- (e) Weed and pest control; and
- (f) Control of noxious or invasive species.

3404.6 The following modifications or substitutions to the landscape elements of an approved landscape plan require a plan revision and approval:

- (a) Number of trees, shrubs, or groundcovers;
- (b) Location of required plantings or landscape features;
- (c) Substitution of species; or
- (d) Revisions of any feature that could decrease the planting area or lower the GAR score.

3404.7 Except as provided below, approved landscape elements shall be installed in accordance with the approved plan prior to the issuance of the certificate of occupancy.

3404.8 Prior to the issuance of the certificate of occupancy, a landscape checklist must be signed by a Certified Landscape Expert, verifying that that landscaping was installed according to the building permit approved by DCRA.

3404.9 The Zoning Administrator may grant a temporary certificate of occupancy when installation of the required landscaping is not currently possible due to weather, season or site construction subject to the condition that the required landscaping must be installed within four (4) months after the date the temporary certificate is issued.

3404.10 The Zoning Administrator may grant up to two (2) extensions of a temporary certificate of occupancy, each for a four (4) month period by based on the same conditions of § 3004.9.

### **3405 SPECIAL EXCEPTIONS FOR GREEN AREA RATIO**

3405.1 The Board of Zoning Adjustment may grant, by special exception, a full or partial reduction in the GAR required under this chapter if, in addition to meeting the general requirements of § 3104, the applicant demonstrates that providing the GAR is impractical as a result of equivalent sustainability measures already being implemented on the property that achieve the intent of the GAR through methods not available through the GAR requirement.

**3406 MAINTENANCE REQUIREMENTS FOR GREEN AREA RATIO**

- 3406.1 All plantings and landscape elements used to calculate a property's GAR must be maintained for the life of the project. If, for any reason, the installed landscape elements fall below the minimum required GAR score, new eligible landscape elements shall be added to compensate and result in the required ratio. These elements are not required to be the same as the submitted plans, so long as the GAR achieved is equivalent.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon S. Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, D.C. 20001, or electronically per the requirements listed on the Office of Zoning's website at <http://dcoz.dc.gov/services/email.shtm>. Ms. Schellin may also be contacted by telephone at (202) 727-6311 or by e-mail at [Sharon.Schellin@dc.gov](mailto:Sharon.Schellin@dc.gov). Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

**OFFICE OF CONTRACTING AND PROCUREMENT**

**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Chief Procurement Officer of the District of Columbia, pursuant to the authority set forth in Sections 204, 407, and 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §§ 2-352.04, 2-354.07, and 2-361.06) (2011 Repl.) (Act), hereby gives notice of the adoption of the following emergency rules and of the intent to adopt final rulemaking to replace Chapter 18 (Small Purchase and Other Simplified Purchase Procedures), of Title 27 (Contracts and Procurement), of the District of Columbia Municipal Regulations (DCMR).

The rulemaking updates the regulations, and implements the provisions in the Act, that apply to small purchase and other simplified purchase procedures. The current Chapter 18 is outdated and inconsistent with the Act and current policy. These inconsistencies will create legal uncertainty regarding small purchase procedures. Adoption of these emergency rules is therefore necessary for the immediate preservation and promotion of public safety and welfare.

The emergency rules will remain in effect for up to one hundred twenty (120) days from April 18, 2013, the date of their adoption, and will expire on August 16, 2013 or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

**Chapter 18, SMALL PURCHASE AND OTHER SIMPLIFIED PURCHASE PROCEDURES), of Title 27, CONTRACTS AND PROCUREMENTS, of the DCMR is amended as follows:**

**Section 1800, USE OF SMALL PURCHASE PROCEDURES, is amended to read as follows:**

**1800 USE OF SMALL PURCHASE PROCEDURES**

- 1800.1 The Director may use small purchase procedures for goods or services being procured if the total amount of the procurement does not exceed one hundred thousand dollars (\$100,000).
- 1800.2 Requirements procured under this Chapter shall not be parceled, split, divided, or purchased over a period of time in order not to exceed the small purchase limit.
- 1800.3 The contracting officer may make a procurement for an amount of ten thousand dollars (\$10,000) or less without obtaining competitive quotations.
- 1800.4 For each procurement in an amount over ten thousand dollars (\$10,000) but less than or equal to one hundred thousand dollars (\$100,000), a contracting officer shall obtain at least three (3) written quotations.

1800.5 In determining whether or not to obtain quotations from more or fewer vendors than required in §1800.4, the contracting officer shall consider the following factors:

- (a) The nature of the item or service to be purchased and whether it is highly competitive and readily available in several makes or brands, or if it is relatively non-competitive;
- (b) Information obtained in making recent purchases of the same or similar item;
- (c) The urgency of the proposed purchase;
- (d) The dollar value of the proposed purchase; and
- (e) Past experience concerning specific contractor prices.

1800.6 For procurements in excess of the amounts specified in §1800.3, a contracting officer may award a small purchase solicitation on a sole source basis when the contracting officer determines that the conditions in Section 404(a) of the Act are satisfied, in accordance with Chapter 17 of this title.

**Section 1801, NON-COMPETITIVE SMALL PURCHASES, is repealed and replaced with:**

**1801 DETERMINATION OF REASONABLE PRICE AND AWARD**

1801.1 The contracting officer shall determine that the price to be paid for small purchases made pursuant to this chapter to the successful offeror is fair and reasonable.

**Section 1802, COMPETITIVE SMALL PURCHASES, is repealed and replaced with:**

**1802 BLANKET PURCHASE AGREEMENTS**

1802.1 A blanket purchase agreement (BPA) is not a contract and may be established without a purchase requisition or the obligation of funds.

1802.2 The contracting officer may use a BPA as a small purchase procedure to fill anticipated repetitive needs for goods or services by establishing charge accounts with sources of supply if at least one (1) of the following criteria apply:

- (a) There is a wide variety of items in a broad class of goods or services that are generally purchased, but the exact items, quantities, and delivery requirements are not known in advance and may vary considerably; or

- (b) The administrative cost of writing numerous purchase orders can be avoided through the use of this procedure.

1802.3 The contracting officer shall not use a BPA to:

- (a) Procure goods or services for which a requirements type contract has been issued by the District; or
- (b) Avoid the small purchase authority limitation.

1802.4 The contracting officer shall include the following information in each BPA:

- (a) A statement that the supplier will furnish goods or services, described in general terms, if and when requested by the contracting officer during a specified period and within a stipulated total amount;
- (b) A statement that the District is obligated only to the extent that authorized purchases are actually made under the BPA;
- (c) A statement that the prices to the District shall be as low or lower than those charged to the supplier's most favored customer for comparable quantities under similar terms and conditions, in addition to any discounts for prompt payment;
- (d) A statement that specifies the dollar limitation for purchases under the BPA (not to exceed the small purchase limit); and
- (e) A requirement that all deliveries or shipments under the BPA shall be accompanied by delivery tickets or sales slips which contain the following minimum information:
  - (i) The name of the supplier;
  - (ii) The BPA number;
  - (iii) The date of purchase;
  - (iv) The purchase order number;
  - (v) An itemized list of goods or services furnished;
  - (vi) The quantity, unit price, and extension of each item, less applicable discounts; and
  - (vii) The date of delivery or shipment.

- 1802.5 To the extent practicable, BPAs for items of the same type shall be placed concurrently with more than one (1) supplier. All competitive sources shall be given an equal opportunity to furnish goods, services, or other items under a BPA.
- 1802.6 When there are an insufficient number of vendors with BPAs to ensure maximum practicable competition for a particular purchase, the contracting officer shall:
- (a) Solicit quotations from other sources and make the purchase as appropriate; and
  - (b) Establish additional BPA's to facilitate future purchases when recurring requirements for the same or similar items or services seem likely, when qualified sources are willing to accept a BPA, or when it is otherwise practical to do so.
- 1802.7 A BPA shall be considered terminated when the procurements under it are equal to its total dollar limitation or when the stated time period expires.

**Section 1803, DETERMINATION OF REASONABLE PRICE AND AWARD, is repealed and replaced with:**

**1803 UNPRICED PURCHASE ORDERS**

- 1803.1 The contracting officer shall use an unpriced purchase order only under the following circumstances:
- (a) When the transaction will not exceed the small purchase limit;
  - (b) When it is impractical to obtain pricing in advance of issuance of the purchase order; and
  - (c) When the purchase is for repairs to equipment requiring disassembly to determine the nature and extent of repairs, material is available from only one (1) source, and for which cost cannot be readily established, or goods or services for which prices are known to be competitive but exact prices are not known.
- 1803.2 The contracting officer shall issue each unpriced purchase order by using a purchase order form and shall set a realistic dollar ceiling, either for each line item or for the total order. The dollar limitation shall be an obligation subject to adjustment when the firm price is established.

**Section 1804, DETERMINATION OF REASONABLE PRICE AND AWARD, is repealed and replaced with:**

**1804 MODIFICATION, TERMINATION, AND CANCELLATION OF PURCHASE ORDERS**

- 1804.1 Each purchase order modification shall identify the order it modifies and shall contain an appropriate modification number.
- 1804.2 The contracting officer shall obtain a contractor's written acceptance of a purchase order modification if the contracting officer determines the written acceptance is necessary to ensure the contractor's compliance with the revised purchase order.
- 1804.3 If a purchase order that has been accepted in writing by the contractor is to be terminated, the contracting officer shall process the termination action in accordance with the provisions of Chapter 37 of this title.
- 1804.4 If a purchase order that has not been accepted in writing by the contractor is to be canceled, the contracting officer shall notify the contractor in writing that the purchase order has been canceled, request the contractor's written acceptance of the cancellation, and proceed in accordance with the provisions of §§ 1804.5 and 1804.6.
- 1804.5 If the contractor accepts the cancellation and does not claim that costs were incurred as a result of beginning performance under the purchase order, no further action shall be required and the purchase order shall be considered canceled.
- 1804.6 If the contractor does not accept the cancellation or claims that costs were incurred as a result of beginning performance under the purchase order, the contracting officer shall treat the action as a termination in accordance with the provisions of Chapter 37 of this title.

**Section 1810, BLANKET PURCHASE AGREEMENTS, is repealed.**

**Section 1811, BLANKET PURCHASE PROCEDURES, is repealed.**

**Section 1815, IMPREST FUNDS, is repealed.**

**Section 1820, PURCHASE ORDERS, is repealed.**

**Section 1821, UNPRICED PURCHASE ORDERS, is repealed.**

**Section 1822, MODIFICATION OF PURCHASE ORDERS, is repealed.**

**Section 1823, TERMINATION AND CANCELLATION OF PURCHASE ORDERS, is repealed.**

**Section 1899, DEFINITIONS, is repealed and replaced with:**

**1899 DEFINITIONS**

1899.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

**Blanket purchase agreement (BPA)** - a pre-contractual agreement with a vendor that establishes a charge account for goods or services which allows an agency to make small purchases without the issuance of a purchase order for each individual purchase. Payments are made on a monthly basis.

**Director** - the Director of the Office of Contracting and Procurement (OCP) or the District of Columbia Chief Procurement Officer (CPO).

**Purchase order** - an offer by the District to buy certain goods or services from commercial sources upon specified terms and conditions.

**Quotation** - a citation of price and delivery terms or a period of performance by a contractor in response to a contracting officer's request on procurements of one hundred thousand dollars (\$100,000) or less.

**Small purchase** - a procurement of goods or services in an aggregate amount not exceeding the small purchase authority limitations set forth in this chapter.

**Unpriced purchase order** - an order for goods or services, the price of which is not established at the time of issuance of the order.

All persons desiring to comment on the subject matter of this proposed rulemaking should submit comments to the Chief Procurement Officer, 441 4<sup>th</sup> Street, 700 South, Washington, D.C. 20001. Comments may be sent by email to [OCPRulemaking@dc.gov](mailto:OCPRulemaking@dc.gov), by postal mail or hand delivery to the address above, or by calling (202) 727-0252. Comments must be received no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. A copy of this proposed rulemaking may be requested at the same address, e-mail, or telephone number as above.



GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-084  
May 2, 2013

**SUBJECT:** Appointment – Board of Trustees of the University of the District of Columbia

**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 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974, 88 Stat. 1424, D.C. Official Code § 38-1202.01 (2012 Supp.), it is hereby **ORDERED** that:

1. **JAMES W. DYKE, JR.**, having been nominated by the Mayor on December 1, 2011, and approved by the Council of the District of Columbia, pursuant to Council Resolution 19-0362, on February 7, 2012, for appointment, is appointed as a member of the Board of Trustees of the University of the District of Columbia ("Board"), replacing Leo V. Williams, whose term expired May 15, 2009, for a term to end on May 15, 2014.
2. **EFFECTIVE DATE:** This Order shall be *nunc pro tunc* to February 7, 2012.

  
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 2013-085  
May 7, 2013


**SUBJECT:** Appointment – District of Columbia Commission for National and Community Service

**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 the National and Community Service Trust Act of 1993, approved September 21, 1993, Pub. L. 103-82 and Mayor's Order 2000-113, dated July 21, 2000, it is hereby **ORDERED** that:

1. **SANDRA A. SCHLICKER, PhD** is appointed as a voting member, and designee representative of the Office of the State Superintendent of Education ("OSSE"), to the District of Columbia Commission for National and Community Service, and shall serve at the pleasure of the Mayor or for as long as she remains an employee of OSSE.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
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VINCENT C. GRAY  
MAYOR

ATTEST:   
\_\_\_\_\_  
CYNTHIA BROCK-SMITH  
SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2013-086  
May 7, 2013

**SUBJECT:** Reappointments and Appointment – District of Columbia Board of  
Pharmacy


**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to 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 section 208 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99, D.C. Official Code § 3-1202.08 (2012 Supp.), it is hereby **ORDERED** that:

1. **JAMES CRAIG APPLEBY**, who was nominated by the Mayor on February 21, 2013 and, following a forty-five day period of review by the Council of the District of Columbia, whose nomination was deemed approved pursuant to Proposed Resolution 20-0102 on April 29, 2013, is reappointed as a pharmacist member of the District of Columbia Board of Pharmacy (hereinafter referred to as “Board”), for a term to end March 12, 2016.
2. **DAPHNE BERNARD**, who was nominated by the Mayor on February 21, 2013 and, following a forty-five day period of review by the Council of the District of Columbia, whose nomination was deemed approved pursuant to Proposed Resolution 20-0101 on April 29, 2013, is reappointed as a pharmacist member of the Board, for a term to end March 12, 2016.

- 3. **CORRIE D. FRANKS**, who was nominated by the Mayor on March 1, 2013 and, following a forty-five day period of review by the Council of the District of Columbia, whose nomination was deemed approved pursuant to Proposed Resolution 20-0112 on April 29, 2013, is appointed as a consumer member of the Board, for a term to end March 12, 2015.
  
- 4. **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 2013-087  
May 8, 2013


**SUBJECT:** Appointment – Board of Dietetics and Nutrition

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to 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 section 202 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99, D.C. Official Code § 3-1202.02 (2007 Repl.), it is hereby **ORDERED** that:

1. **EDWARD M. JOHNSON**, who was nominated by the Mayor on February 28, 2013, and was deemed approved by the Council pursuant to Proposed Resolution 20-0110 on April 29, 2013, is appointed as a consumer member of the Board of Dietetics and Nutrition, for a term to end March 12, 2014.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
\_\_\_\_\_  
VINCENT C. GRAY  
MAYOR

ATTEST:   
\_\_\_\_\_  
CYNTHIA BROCK-SMITH  
SECRETARY OF THE DISTRICT OF COLUMBIA

**DISTRICT OF COLUMBIA  
OFFICE OF THE MAYOR  
OFFICE ON AGING**

**PUBLIC NOTICE**

**NOTICE OF FUNDING AVAILABILITY**

**Fiscal Year 2013 Mini-Challenge Grants: East of the River Aging In Place**

The Government of the District of Columbia, Office on Aging is soliciting applications from qualified applicants to plan, develop, organize, implement and sustain “Aging in Place” programs. The programs should enable District residents age 60 years and older residing in a specific neighborhood to enjoy safer, healthier and more independent lives in their own homes. There are many models and examples of “Aging in Place” programs such as the “senior village.” The “Village” concept is based on the Beacon Hill Village model developed in Boston, Massachusetts ([beaconhillvillage.org](http://beaconhillvillage.org)) to assist seniors living in that neighborhood by partnering with and connecting them to needed resources and service providers. As a nonprofit, membership organization, the Village can provide a variety of programs and services more cost-effectively than most conventional retirement communities are able to provide.

Duplicating the senior village model is not strictly required for this grant application. Other models that deliver aging in place services are encouraged, as well. Applicants may propose other service models and best practices that enable seniors to age in place. The successful organization(s) will be responsible for developing and implementing an operational plan to provide and connect senior residents in the neighborhood with a variety of services. Service models may include but are not limited to volunteer services in or around the home; transportation assistance with or without escorts; caregiver assistance; volunteer programs; concierge services; social activities; and/or a buddy system that matches seniors with others to meet specific needs.

A total of \$300,000 is available for funding two grants not to exceed \$15,000 each to plan, develop, and implement a “Senior Village” in Ward 7 and in Ward 8 of the District of Columbia.

The proposal must include provision for including seniors with low and moderate incomes through such means as a sliding scale membership fee, scholarships or waiver, or volunteer pool concept (contribute time to earn services).

Nonprofit organizations with places of business within the physical boundaries of the District of Columbia are eligible to apply. Neighborhood Village organizations in the process of becoming incorporated should include letters of commitment from at least 25 residents of the neighborhood.

The RFA will be released on May 10, 2013 and the deadline for submission is June 7, 2013 at 4:30 p.m. A Pre-Application Conference will be held on May 17, 2013, 10:00 a.m. at the D.C. Office on Aging, Conference Room, 500 K Street, NE Washington, DC, 20002. The RFA will also be available on the Office on Aging website, [www.dcoa.dc.gov](http://www.dcoa.dc.gov) and on the Office of Partnerships and Grants Development website, [www.opgd.dc.gov](http://www.opgd.dc.gov) no later than May 15, 2013.

**DISTRICT OF COLUMBIA  
OFFICE OF THE MAYOR  
OFFICE ON AGING**

**NOTICE OF FUNDING AVAILABILITY**

**Fiscal Year 2013 Senior Transportation  
Program Grant**

The Government of the District of Columbia, Office on Aging (DCOA) is soliciting applications from qualified applicants to operate the Washington Elderly Handicapped Transportation Service (WEHTS). WEHTS provides quality curb-to-curb service for District residents 60 years and older to essential medical and life sustaining appointments. Additional service components include administration and operation of the Call-N-Ride taxicab voucher program and Home Delivered Meals (HDM) Program. The Request for Application (RFA) will seek an organization to operate the WEHTS program, currently located at 2601 18th Street, NW, Washington, D.C.

Federal and District of Columbia appropriated funds are available for a single or collaborative applicant organization to operate one or up to four transportation services. There is no matching grant requirement; however, successful applicant(s) must use participant contributions in the implementation of the program.

Applicants who apply for this RFA must design services to meet a variety of evolving needs of the city's diverse elderly population, especially older individuals with the greatest economic and social needs, with particular emphasis on low-income minority populations. The successful applicant will manage its fleet and implement programs and services that remove barriers for seniors with disabilities, while connecting them to affordable and gap-filling transportation services that enhance their physical, social and emotional well-being through connectivity to sites and activities in and around the city.

**Service Areas**

Applicants responding to this RFA shall be responsible for delivering transportation services to the target population in four service areas:

- ❖ *Service Area One: Essential Medical and Sites and Activities Transportation;*
- ❖ *Service Area Two: Transportation of Home Delivered Meal Service;*
- ❖ *Service Area Three: Call In Ride Coupon Transportation Program; and*
- ❖ *Service Area Four: Transportation of Home Delivered Meals*



## Priority Services

Applicant's responsibilities include but are not limited to:

- ensuring safe and reliable transportation operation with as few black-out dates as possible.
- providing essential medical and life-sustaining transportation daily for a minimum of 1,250 seniors and persons with disabilities;
- providing approximately 7,000 one-way trips per month;
- transporting at minimum 519 enrolled participants daily to four (4) adult day centers;
- transporting enrolled seniors at 40 weekday congregate nutrition meal sites located in eight wards including seniors who are hearing and visually impaired to sites and activities;
- transporting approximately 60 seniors to a city-wide weekend congregate nutrition meal site in Ward 7;
- coordinating voucher services with other local transportation providers to use or purchase transport services provided by the applicant for a minimum of 125 seniors;
- coordinating and implementing weekday and weekend meal delivery services for 360 homebound seniors;
- developing senior-friendly service enhancements and innovations that provide access and ease in using transportation;
- establishing an ongoing process to keep seniors informed and aware of transportation options, as well as, rider subsidy programs; and

Non-profit organizations with places of business within the physical boundaries of the District of Columbia are eligible to apply. For-profit organizations with places of business within the physical boundaries of the District of Columbia are also eligible to apply, but must not include profit in their grant application.

The RFA will be released on May 10, 2013. The application submission deadline is June 10, 2013 at 4:30 p.m. E.D.T. The RFA will also be available on the Office on Aging's website, [www.dcoa.dc.gov](http://www.dcoa.dc.gov) and on the Office of Partnerships and Grants Development's website, [www.opgd.dc.gov](http://www.opgd.dc.gov).

A Pre-Application Conference will be held May 15, 2013, 10:00 a.m. at the DC Office on Aging headquarters located at 500 K Street, NE, Washington, DC 20002. To register, contact Aurora Delespin-Jones, Program Analyst at (202)727-6405 or email to [aurora.delespin-jones@dc.gov](mailto:aurora.delespin-jones@dc.gov).

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
CHANGE OF HOURS AGENDA

WEDNESDAY, MAY 15, 2013 AT 1:00 PM  
2000 14<sup>TH</sup> 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 Saturday 10:00 am – 10:00 pm. Proposed Hours of Operation and Proposed Hours of Alcoholic Beverage Sales/Service: Sunday through Thursday 10:00 am – 10:00 pm; Friday and Saturday 10:00 am – 12:00 am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 4B. SMD 4B09. *JY Riggs' Liquor, Inc. T/A Riggs Liquor*, 5581 South Dakota Ave., NE. Retailer's Class A. License No. 060532.

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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 - 9:00 pm. Proposed Hours of Operation and Proposed Hours of Alcoholic Beverage Sales/Service: Sunday 9:00 am – 9:00 pm; Monday 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 4B. SMD 4B08. *Manee Enterprises, Inc. T/A Takoma Park Liquors*, 6200 Eastern Avenue, NE. Retailer's Class A, License No. 019598.

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3. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Approved Hours of Operation Monday through Friday 9:00 am – 9:00 pm; Saturday 9:00 am – 10:00 pm. Approved Hours of Alcoholic Beverage Sales/Service: Monday through Saturday 9:00 am - 9:00 pm. 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 Settlement Agreement. ANC 5B. SMD 5B06. *Brentwood Road Beverage LLC T/A Woodridge Vet Liquor*, 1358 Brentwood Road, NE. Retailer's Class A, License No. 080559.

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**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING  
INVESTIGATIVE AGENDA**

**WEDNESDAY, MAY 15, 2013  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

**On May 1, 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-00206 Queen Makeda, 1917 9TH ST NW Retailer C Restaurant, License#: ABRA-060510

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2. Case#13-CC-00008 Cork & Fork, 1522 14TH ST NW Retailer B Retail - Grocery, License#: ABRA-082681

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
AGENDA

WEDNESDAY, MAY 15, 2013 AT 1:00 PM  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Request dated May 1, 2013 from Republic National Distributing Company, LLC, License No. 076499, for approval to provide retailers with products valued at more than \$50 and less than \$500.

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2. Manager's Application: Durand Truong.\*\* .

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3. Manager's Application: Janelle Marie Smith.\*\*

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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:*** Sunday through Thursday 9:00 am – 10:00 pm; Friday and Saturday 9:00 am – 12:00 am. ***Proposed Hours of Operation and Proposed Hours of Alcoholic Beverage Sales/Service:*** Sunday through Saturday 9:00 am – 12:00 am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No conflict with Settlement Agreement. ANC 5A. SMD 5A06. ***University Wine & Spirit***, 333 Hawaii Avenue NE Retailer A, Lic.#: 89532.

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5. Review of Change of Hours Application to Change Hours of Operation. ***Approved Hours of Operation:*** Sunday through Thursday 10:00 am – 2:00 am; Friday and Saturday 10:00 am – 3:00 am. ***Approved Hours of Alcoholic Beverage Sales/Service:*** Sunday through Thursday 10:30 am – 2:00 am; Friday and Saturday 10:30 am – 3:00 am. ***Approved Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service for Sidewalk Cafe:*** Sunday through Thursday 10:30 am – 2:00 am; Friday and Saturday 10:30 am – 3:00 am. ***Approved Hours of Entertainment:*** Sunday through Thursday 6:00 pm – 2:00 am; Friday and Saturday 6:00 pm – 3:00 am. ***Proposed Hours of Operation:*** Sunday through Thursday 8:00 am – 2:00 am; Friday and Saturday 8:00 am – 3:00 am. ***Proposed Hours of Alcoholic Beverage Sales/Service:*** No Change. ***Proposed Hours of Operation and Proposed Hours of Alcoholic Beverage Sales/Service for Sidewalk Cafe:*** No Change. ***Proposed Hours of Entertainment:*** No Change. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 2A. SMD 2E05. ***The Exchange LTD***, 1730 Pennsylvania Avenue NW Retailer CR02, Lic.#: 1269.

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Board's Agenda – May 15, 2013 - Page 2

6. Review of Change of Hours Application to Change Hours of Alcoholic Beverage Sales and Entertainment Hours. **Approved Hours of Operation:** Sunday through Thursday 8:00 am – 2:00 am; Friday and Saturday 8:00 am – 3:00 am. **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 Operation for Sidewalk Cafe:** Sunday 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 Sidewalk Cafe:** 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 Entertainment:** Tuesday through Thursday 8:00 pm – 12:00 am; Friday and Saturday 9:00 pm – 1:00 am. **Proposed Hours of Operation:** No Change. **Proposed Hours of Alcoholic Beverage Sales/Service:** Sunday 8:00 am – 2:00 am; Monday through Thursday 8:00 am – 2:00 am; Friday and Saturday 8:00 am – 3:00 am. **Proposed Hours of Operation for Sidewalk Cafe:** No Change. **Proposed Hours of Alcoholic Beverage Sales/Service for Sidewalk Cafe:** No Change. **Proposed Hours of Entertainment:** Sunday through Saturday 8:00 pm – 1:00 am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 3C. SMD 3C02. **Murphy's of DC**, 2604 24th Street NW Retailer CR02, Lic.#: 9380.
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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; Tuesday through Saturday 12:00pm – 2:00 am. **Proposed Hours of Operation and Proposed Hours of Alcoholic Beverage Sales/Service:** Sunday through Saturday 10:00 am – 2:00 am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 4C. SMD 4C10. **Hitching Post Restaurant**, 200 Upshur Street NW Retailer CT, Lic.#: 90258.
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8. Review of Application for Summer Garden (20 Seats). **Approved Hours of Operation:** Sunday; Tuesday through Saturday 12:00pm – 2:00 am. **Approved Hours of Alcoholic Beverage Sales/Service:** Sunday; Tuesday through Saturday 12:00 pm – 2:00 am. **Proposed Hours of Operation and Proposed Hours of Alcoholic Beverage Sales/Service:** See Number 6, above. **Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service for Summer Garden:** Sunday through Saturday 10:00 am – 12:00 am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 4C. SMD 4C10. **Hitching Post Restaurant**, 200 Upshur Street NW Retailer CT, Lic.#: 90258.
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Board's Agenda – May 15, 2013 - Page 3

9. Review of Application for Entertainment Endorsement. **Approved Hours of Operation:** Sunday 9:00 am – 2:00 am; Monday through Friday 10:00 am – 2:00 am; Saturday 9:00 am – 3:00 am. **Approved Hours of Alcoholic Beverage Sales/Service:** Sunday through Thursday 10:00 am – 2:00 am; Friday 10:00 am – 3:00 am; Saturday 9:00 am – 3:00 am. **Approved Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service for Sidewalk Café:** Sunday through Thursday 10:00 am – 2:00 am; Friday and Saturday 10:00 am – 3:00 am. **Approved Hours of Operation for Summer Garden:** Sunday 9:00 am – 2:00 am; Monday through Thursday 10:00 am – 2:00 am; Friday 10:00 am – 3:00 am; Saturday 9:00 am – 3:00 am. **Approved Hours of Alcoholic Beverage Sales/Service for Summer Garden:** Sunday through Thursday 10:00 am – 2:00 am; Friday 10:00 am – 3:00 am; Saturday 9:00 am – 3:00 am. **Proposed Hours for Entertainment:** Sunday through Thursday 6:00 pm – 2:00 am; Friday and Saturday 6:00 pm – 3:00 am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 1A. SMD 1A02. **The Getaway**, 0 Meridian Place NW Retailer CR02, Lic.#: 86700.
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10. Review of Change of Hours Application to Change Hours of Operation and Hours of Alcoholic Beverage Sales for Sidewalk Café (199 Seats). **Approved Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service:** Sunday 10:00 am – 2:00 am; Monday through Thursday 11:30 am – 2:00 am; Friday and Saturday 11:30 am – 3:00 am. **Approved Hours of Operation And Approved Hours of Alcoholic Beverage Sales/Service for Sidewalk Cafe:** Sunday through Thursday 11:00 am – 11:00 pm; Friday and Saturday 11:00 am – 1:00 am. **Proposed Hours of Operation And Proposed Hours of Alcoholic Beverage Sales/Service for Sidewalk Cafe:** Sunday 10:00 am – 2:00 am; Monday through Thursday 11:30 am – 2:00 am; Friday and Saturday 11:30 am – 3:00 am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 2B. SMD 2B02. **James Hoban's**, 1 Dupont Circle NW Retailer CR03, Lic.#: 77039.
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11. Review of Application for Sidewalk Cafe Endorsement. **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. **Proposed Hours of Operation and Approved Hours of Alcoholic Beverage Sales/Service for Sidewalk Café:** Sunday through Thursday 11:00 am – 10:00 pm; Friday and Saturday 11:00 am – 11:00 pm. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No conflict with Settlement Agreement. ANC 6D. SMD 6D07. **Kruba**, 301 Tingey Street SE Retailer CR02, Lic.#: 90630.
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Board's Agenda – May 15, 2013 - Page 4

12. Review of Application for Entertainment Endorsement. **Approved Hours of Operation:** Sunday through Thursday 8:00 am – 12:00 am; Friday and Saturday 8:00 am – 1:00 am. **Approved Hours of Alcoholic Beverage Sales/Service:** Sunday through Thursday 10:00 am – 12:00 am; Friday and Saturday 10:00 am – 1:00 am. **Approved Hours of Operation for Summer Garden:** Sunday through Thursday 8:00 am – 11:00 pm; Friday and Saturday 8:00 am – 12:00 am. **Approved Hours of Alcoholic Beverage Sales/Service for Summer Garden:** Sunday through Thursday 10:00 am – 11:00 pm; Friday and Saturday 10:00 am – 12:00 am. **Proposed Hours of Entertainment:** Sunday through Thursday 3:00 pm – 11:00 pm; Friday and Saturday 3:00 pm – 12:00 am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No conflict with Settlement Agreement. ANC 1B. SMD 1B11. **Manchester Bar & Restaurant**, 944 Florida Avenue NW Retailer CT, Lic.#: 75377.
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13. 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 12:00 pm – 9:30 pm; Monday through Friday 11:00 am – 9:30 pm; Saturday 12:00 pm – 9:30 pm. **Proposed Hours of Operation and Proposed Hours of Alcoholic Beverage Sales/Service:** Sunday 12:00 pm – 11:30 pm; Monday through Thursday 11:00 am – 11:30 pm; Friday 11:00 am – 11:30 pm; Saturday 12:00 pm – 11:30 pm. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No conflict with Settlement Agreement. ANC 2A. SMD 2A02. **One Fish Two Fish**, 2423 Pennsylvania Avenue NW Retailer DR, Lic.#: 8645.
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14. 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 9:00 am – 1:00 am; Monday through Thursday 6:00 am – 11:00 pm; Friday and Saturday 9:00 am – 1:00 am. **Proposed Hours of Operation:** Sunday 6:00 am – 1:00 am; Monday through Thursday 6:00 am – 12:00 am; Friday and Saturday 6:00 am – 1:00 am. **Proposed Hours of Alcoholic Beverage Sales/Service:** Sunday 8:00 am – 1:00 am; Monday through Thursday 8:00 am – 1:00 am; Friday and Saturday 8:00 am – 1:00 am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 2A. SMD 2A02. **Gloria's Restaurant**, 3411 14th Street NW Retailer DR01, Lic.#: 70623.
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Board's Agenda – May 15, 2013 - Page 5

15. Review of Application for Entertainment Endorsement. **Approved Hours of Operation** Sunday through Thursday 6:00 am – 2:00 am; Friday and Saturday 6:00 am – 3:00 am. **Approved Hours of Alcoholic Beverage Sales/Service:** Sunday through Thursday 10:00 am – 1:00 am; Friday and Saturday 10:00 am – 2:00 am. **Proposed Hours of Entertainment:** Sunday through Thursday 6:00 pm – 1:00 am; Friday and Saturday 6:00 pm – 2:00 am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 3C. SMD 3C04. **Pulpo**, 3407 Connecticut Avenue NW Retailer CR02, Lic.#: 89639.
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16. Review of Application for License Class Change: CR to CT. **Approved Hours of Operation** Sunday through Thursday 9:00 am – 2:00 am; Friday and Saturday 9:00 am – 3:00 am. **Approved Hours of Alcoholic Beverage Sales/Service:** Sunday 10:00 am – 2:00 am; Monday through Thursday 9:00 am – 2:00 am; Friday and Saturday 9:00 am – 3:00 am. **Approved Hours for Entertainment:** Sunday and Thursday 9:00 pm – 1:30 am; Friday and Saturday 10:00 pm – 2:30 pm. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Settlement Agreement. ANC 2F. SMD 2F07. **El Sauce Restaurant and Carry Out**, 1227 11th Street NW Retailer DR01, Lic.#: 72654.
- 
17. Review of Change of Hours Application to Change Hours of Operation and Hours of Alcoholic Beverage Sales. **Approved Hours of Operation** Sunday 11:00 am - 11:00 pm; Monday through Wednesday 6:30 am – 12:00 am; Thursday 6:30 am – 4:00 am; Friday and Saturday 6:30 am - 5:30 am. **Approved Hours of Alcoholic Beverage Sales/Service:** Sunday 11:00 am – 11:00 pm; Monday through Saturday 8:00 am – 12:00 am. **Proposed Hours of Operation:** 11:00 am - 2:00 am; Monday through Thursday 6:30 am – 2:00 am; Friday and Saturday 6:30 am – 3:00 am. **Proposed Hours of Alcoholic Beverage Sales/Service:** Sunday through Thursday 8:00 am – 2:00 am; Friday and Saturday 8:00 am – 3:00 am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No conflict with Settlement Agreement. ANC 2B. SMD 2B06. **Takeateasy**, 1900 M Street NW Retailer CR01, Lic.#: 89631.
- 
18. Review of Application for License in Safekeeping. No pending investigative matters. Pending enforcement matter: Case No. 12-CMP-00562, Quarterly Statement and Posting of Licenses. No outstanding fines/citations. No Settlement Agreement. ANC 2F. SMD 2F07. **Food Corner Kabob**, 2029 P Street NW Retailer CR01, Lic.#: 80108.
- 
19. Review of letter, dated May 2, 2013, from Christopher Wells requesting that the Board suspend further action on ABRA-082430 and reserve judgment on the matter until the pending civil suit has been resolved. **Sultra Lounge/Viet-Thai**, 2406 18th Street NW Retailer CR02, Lic.#: 82430.
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Board's Agenda – May 15, 2013 - Page 6

20. Review of Settlement Agreement, dated April 25, 2013, between Gandel's Liquors and ANC 6B. *Gandel's Liquors*, 211 Pennsylvania Avenue SE Retailer A, Lic.#: 71312.\*

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21. Review of Settlement Agreement, dated April 25, 2013, between Capitol Hill Wine & Spirits and ANC 6B. *Capitol Hill Wine & Spirits*, 323 Pennsylvania Avenue SE Retailer A, Lic.#: 81749.\*

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22. Review of Settlement Agreement, dated April 25, 2013, between JJ Mutt Wine & Spirits and ANC 6B. *JJ Mutt Wine & Spirits*, 643 Pennsylvania Avenue SE Retailer A, Lic.#: 25523.\*

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23. Review of Settlement Agreement, dated October 12, 2010, between Sizzling Express and ANC 6B. *Sizzling Express*, 600 Pennsylvania Avenue SE Retailer CR01, Lic.#: 26739.\*

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24. Review of Settlement Agreement, dated April 9, 2013, between Nooshi and ANC 6B. *Nooshi*, 524 8th Street SE Retailer CR02, Lic.#: 85618.\*

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25. Review of Settlement Agreement, dated April 9, 2013, between Tash Restaurant and ANC 6B. *Tash Restaurant*, 524 8th Street SE Retailer CR01, Lic.#: 85584.\*

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26. Review of Settlement Agreement, dated October 10, 2010, between Mr. Henry's and ANC 6B. *Mr. Henry's*, 601 Pennsylvania Avenue SE Retailer CR02, Lic.#: 259.\*

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27. Review of Settlement Agreement, dated October 10, 2010, between Capitol Hill Club and ANC 6B. *Capitol Hill Club*, 300 1st Street SE Retailer CX, Lic.#: 626.\*

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28. Review of Settlement Agreement, dated April 9, 2013, between Good Stuff Eatery and ANC 6B. *Good Stuff Eatery*, 303 Pennsylvania Avenue SE Retailer DR01, Lic.#: 78027.\*

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**\* 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.**

Board's Agenda – May 15, 2013 - Page 7

**\*\* 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.**

**DC SCHOLARS PUBLIC CHARTER SCHOOL  
BUILDING RENOVATIONS  
REQUEST FOR PROPOSAL**

DC Scholars Public Charter School currently hosts 10 classrooms and serves 174 students in grades PS-3<sup>rd</sup>. DC Scholars PCS will be expanding in the fall of 2013 to serve approximately 340 students in grades PS-4<sup>th</sup>.

DC Scholars Public Charter School located at at 5601 East Capitol Street, SE, Washington, DC 20019 solicits bids for general construction and renovation services.

The work will include:

- Tile
- Paint
- General construction of 7 classrooms, 2 multi-stall bathrooms, and 1 adult bathroom

All proposals must be submitted electronically or via mail to the following contact on or before June 12, 2013:

Vashaunta Harris  
[vharris@scholaracademies.org](mailto:vharris@scholaracademies.org)  
DC Scholars Public Charter School  
5601 E. Capitol St. SE  
Washington DC 20019

**BOARD OF ELECTIONS****CERTIFICATION OF ANC/SMD VACANCY**

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

**VACANT: 5C06**

Petition Circulation Period: **Monday, May 13, 2013 thru Monday, June 3, 2013**

Petition Challenge Period: **Thursday, June 6, 2013 thru Wednesday, June 12, 2013**

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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 - 4<sup>th</sup> Street, NW, Room 250N  
Washington, DC 20001**

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

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS**

**Certification of Filling a Vacancy**  
In Advisory Neighborhood Commission

Pursuant to D.C. Official Code §1-309.06(D) If there is only one person qualified to fill the vacancy within the affected single-member district, the vacancy shall be deemed filled by the qualified person, the Board hereby certifies that the vacancy has been filled in the following single-member district by the individual listed below:

Jasmine N. White  
Single-Member District 5A06

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2013

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue an air quality permit (#6724) to General Services Administration to operate one (1) 600 kW diesel fuel fired emergency generator set at 330 Independence Avenue SW, Washington, DC 20201. The contact person for the facility is Duane Lambert, Property Manager, at (202) 619-0510. The applicant's mailing address is 330 Independence Avenue SW, Room 1264, Washington, DC 20201.

Emissions:

Maximum emissions from the equipment, operating five hundred (500) hours per year, are expected to be as follows:

	<b>Maximum Annual Emissions</b>
<b>Pollutant</b>	<b>(tons/yr)</b>
Particulate Matter (PM) (Total)	0.1
Sulfur Oxides (SO <sub>x</sub> )	0.73
Nitrogen Oxides (NO <sub>x</sub> )	4.63
Volatile Organic Compounds (VOC)	0.12
Carbon Monoxide (CO)	1.24

The proposed overall emission limits for the equipment are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from stationary sources; provided, that the discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, soot blowing, adjustment of combustion controls, or malfunction of the equipment. [20 DCMR 606.1]
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents

should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours  
Chief, Permitting Branch  
Air Quality Division  
District Department of the Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments or hearing requests postmarked after June 10, 2013 will be accepted.**

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

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2013

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue two air quality permits (Nos. 6706 & 6707) to the U.S. Department of the Treasury, Bureau of Engraving and Printing to operate two (2) KBA Giori, Super Orlof Intaglio II (SOI), sheet fed, non-heatset, four color, water wipeable intaglio currency presses, identified as numbers 5 (also known as #601), and 6 (also known as #602), at the Bureau of Engraving and Printing, in the Main Building (C-300 and C-400) at 14<sup>th</sup> and C Streets SW, Washington DC. The contact person for the facility is David Kaczka, Environmental Compliance Manager, Office of Environment, Health & Safety at (202) 874-2107. The applicant's mailing address is 14<sup>th</sup> and C Streets SW, Washington, DC 20228.

The proposed emission limits are summarized as follows:

- a. Emissions of volatile organic compounds (VOC) from the ink used in the process shall not exceed 0.88 pounds per press hour.
- b. VOC emissions from any cleaning solvents used shall not exceed 0.8 pounds per press hour.
- c. The total annual VOC emitted from the ink and cleaning solvent as a result of operation of the presses shall not exceed 12.88 tons per year (an average of 6.44 tons per press).
- d. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- e. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

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

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air



quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permits and any request for a public hearing should be addressed to:

Stephen S. Ours  
Chief, Permitting Branch  
Air Quality Division  
District Department of the Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments or hearing requests postmarked after June 10, 2013 will be accepted.**

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

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2013

**PUBLIC NOTICE****AIR QUALITY TITLE V OPERATING PERMIT AND  
GENERAL PERMIT FOR  
WASHINGTON GAS COMPANY, WATERGATE CENTRAL PLANT**

Notice is hereby given that Washington Gas Company has applied for a Title V air quality permit pursuant to the requirements of Title 20 of the District of Columbia Municipal Regulations, Chapters 2 and 3 (20 DCMR Chapters 2 and 3) to operate the following emission units at the Watergate Central Plant: two boilers rated at 51.75 million BTU per hour (MMBTU/hr), one boiler rated at 52.82 MMBTU/hr., 30-gallon cold solvent cleaner, five 10,000 gallon fuel oil tanks and three electric chillers using R-134a refrigerant. The Watergate Central Plant is located at 2500 Virginia Avenue NW, Washington, DC 20037. The contact person for the facility is Hillery A. Kelly, Senior Environmental Specialist at (703) 750-5846.

With the potential to emit approximately 49.73 tons per year of oxides of nitrogen (NO<sub>x</sub>), the facility has the potential to emit greater than the District's major source threshold of 25 tons per year of NO<sub>x</sub>. Therefore, the facility is classified as a major source of air pollution and is subject to 20 DCMR Chapter 3 and must obtain an operating permit under that rule.

The facility has one 30-gallon cold solvent cleaner which is being permitted pursuant to 20 DCMR 200 for the first time by this permitting process. The solvent cleaner has the potential to emit 0.03 tons per year of volatile organic compounds. Emissions from this unit will be controlled by the application of operational standards. Additionally, the emissions of odorous and other air pollutants from the unit which are or are likely to be injurious to the public health or welfare, or which interfere with the reasonable enjoyment of life or property is prohibited pursuant to 20 DCMR 903.1.

The District Department of the Environment (DDOE) has reviewed the permit application and related documents and has made a preliminary determination that the applicant meets all applicable air quality requirements promulgated by the U.S. Environmental Protection Agency (EPA) and the District. Therefore, draft permit #012-R2 has been prepared.

The application, the draft permit, and all other materials submitted by the applicant [except those entitled to confidential treatment under 20 DCMR 301.1(c)] considered in making this preliminary determination are available for public review during normal business hours at the offices of the District Department of the Environment, 1200 First Street NE, 5<sup>th</sup> Floor, Washington DC 20002.

A public hearing on this permitting action will not be held unless DDOE has received a request for such a hearing within 30 days of the publication of this notice. Interested parties may also submit written comments on the permitting action. Hearing requests or comments should be

directed to Stephen S. Ours, DDOE Air Quality Division, 1200 First Street NE, 5<sup>th</sup> Floor, Washington DC 20002. Questions about this permitting action should be directed to Olivia Achuko at (202) 535-2997 or [olivia.achuko@dc.gov](mailto:olivia.achuko@dc.gov). Comments or hearing requests will not be accepted after June 10, 2013.

## DEPARTMENT OF HEALTH CARE FINANCE

## NOTICE OF PUBLIC MEETING

**District of Columbia Health Information Exchange Policy Board**

The District of Columbia Health Information Exchange Policy Board, pursuant to the requirements of Mayor's Order 2012-24, dated February 15, 2012, hereby announces a public meeting of the Board. The meeting will be held **Wednesday, May 15, 2013** at 2:00 pm in the **6<sup>th</sup> Floor Conference Room 6130** at 899 North Capitol Street, NE, Washington, DC 20002.

The District of Columbia Health Information Exchange Policy Board meeting is open to the public. The topics to be discussed on the agenda include a Welcome and Introduction, Approval of the Minutes from the April 17, 2013 Meeting, HIE Consent Models, DC HIE Next Phase, DC HIE Partnership with CRISP, Direct HIE Marketing Strategies, New Business, and Reports.

If you have any questions, please contact Cleveland Woodson at (202) 724-7342.

**DEPARTMENT OF HEALTH CARE FINANCE  
NOTICE OF PUBLIC MEETING**

**Department of Health Care Finance Pharmacy and Therapeutics Committee**

The Department of Health Care Finance (DHCF) Pharmacy and Therapeutics Committee (P&T Committee), pursuant to the requirements of Mayor's Order 2007-46, dated January 23, 2007, hereby announces a public meeting of the P&T Committee to obtain input on the review and maintenance of a Preferred Drug List (PDL) for the District of Columbia. The meeting will be held **Thursday, June 6, 2013**, at 2:30pm in the 4<sup>th</sup> Floor Conference Room 406 at 899 North Capitol Street, NE Washington, DC 20002.

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

Glucocorticoids, Inhaled	NSAIDS
Bronchodilators, Beta Agonist	Ophthalmics, Glaucoma Agents
COPD Agents	Ophthalmics for Allergic Conjunctivitis
Epinephrine, Self-Injected	Ophthalmics, Anti-Inflammatories
Leukotriene Modifiers	Ophthalmic Antibiotics
Intranasal Rhinitis Agents	Otic Antibiotics
Antihistamines, Minimally Sedating	Steroids, Topical High
PAH Agents, Oral And Inhaled	Steroids, Topical Low
Antimigraine Agents	Steroids, Topical Medium
Skeletal Muscle Relaxants	Steroids, Topical Very High
Analgesics, Narcotics Long	Hypoglycemics, Metformins

Any person or organizations who wish to make a presentation to the DHCF P&T Committee should furnish his or her name, address, telephone number, and name of organization represented by calling (202) 442-9076 **no later than 4:45pm on Thursday, May 30, 2013**. The person or organization may also submit the aforementioned information via e-mail to Charlene Fairfax ([charlene.fairfax@dc.gov](mailto:charlene.fairfax@dc.gov)).

An individual wishing to make an oral presentation to the P&T Committee will be limited to three (3) minutes. A person wishing to provide written information should supply twenty (20) copies of the written information to the P&T Committee **no later than 4:45pm on Thursday, May 30, 2013**. **Handouts are limited to no more than two standard 8-1/2 by 11 inch pages of "bulleted" points (or one page front and back)**. The ready-to-disseminate, written information can also be mailed **to arrive no later than Thursday, May 30, 2013** to:

Department of Health Care Finance  
Attention: Charlene Fairfax, RPh, CDE  
899 North Capitol Street, NE, 6<sup>th</sup> floor  
Washington, DC 20002

**DEPARTMENT OF HEALTH  
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

**NOTICE OF MEETING**

Board of Medicine  
May 22, 2013

On MAY 22, 2013 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed from 8:30 am until 10:30 am to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations. The meeting will be open to the public from 10:30 am to 12:00 pm to discuss various agenda items and any comments and/or concerns from the public. After which the Board will reconvene in closed session to continue its deliberations until 2:00 pm. The meeting location is 899 North Capitol Street NE, 2<sup>nd</sup> Floor, Washington, DC 20002.

Visit the Board of Medicine website [www.doh.dc.gov/bomed](http://www.doh.dc.gov/bomed) - select BoMed Calendars and Agendas to view the agenda. Executive Director for the Board – Jacqueline A. Watson, DO, MBA, (202) 724-8755.

**DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY  
BOARD OF DIRECTORS MEETING**

May 13, 2013  
815 Florida Avenue, NW  
Washington, DC 20001

5:30 pm

AGENDA

- I. Call to order and verification of quorum.
- II. Vote to close meeting to discuss the approval of an Eligibility Resolution for the Metro Village Apartments project and bond transaction.  
  
Pursuant to the District of Columbia Administrative Procedure Act, the Chairperson of the Board of Directors will call a vote to close the meeting in order to discuss, establish, or instruct the public body's staff or negotiating agents concerning the position to be taken in negotiating the price and other material terms of the Metro Village Apartments project and bond transaction. An open meeting would adversely affect the bargaining position or negotiation strategy of the public body. (D.C. Code §2-405(b)(2)).
- III. Re-open meeting.
- IV. Consideration of DCHFA Eligibility Resolution No. 2013-06 for the approval of the Metro Village Apartments project and bond transaction.
- V. Vote: Agency's 2013 Travel Policy
- VI. Discussion: Parkway Overlook Plan of Execution including Disposal Dates
- VII. Executive Director's Report.
- VIII. Other Business.
- IX. Adjournment.

## DEPARTMENT OF HUMAN RESOURCES

## EXCEPTED SERVICE EMPLOYEES AS OF APRIL 12, 2013

## NOTICE OF EXCEPTED SERVICE EMPLOYEES

D.C. Official Code § 1-609.03(c) requires that a list of Excepted Service positions established under the provision of § 1-609.03(a) along with the types of excepted service appointment, names, position titles, and grades of all persons appointed to these positions be published in the *D.C. Register*. In accordance with the foregoing, the following information is hereby published for the following positions.

OFFICE OF THE MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Murphy	Christopher	Chief of Staff	11
Excepted Service	Goulet	Eric	Budget Director	11
Excepted Service	Flowers	Brian	General Counsel	11
Excepted Service	Bunn	Sheila	Deputy Chief of Staff	10
Excepted Service	Evans	Kenneth	Deputy Budget Director	10
Excepted Service	Glaude	Stephen	Director, Community and Religion	10
Excepted Service	Jackson	Janene	Dir., Pol & Legislative Affairs	10
Excepted Service	Kaufman	Donald	Deputy General Counsel	10
Excepted Service	McGaw	John	Deputy Director	10
Excepted Service	Banta	Susan	Budget Officer	09
Excepted Service	Constantino	Justin	Senior Budget Analyst	09
Excepted Service	Fimbres	Francisco	Director of Community Relation	09
Excepted Service	Gorman	Darryl	Dir. Boards & Commissions	09
Excepted Service	Murray	Christopher	Budget Analyst	09
Excepted Service	Richardson	Jeffrey	Executive Director	09



OFFICE OF THE MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Barge	Lolita	Director of Legislative Support	08
Excepted Service	Barnes	Lafayette	Program Analyst	08
Excepted Service	DeVillier	Mikelle	Special Assistant	08
Excepted Service	Ferguson	Ursula	Correspondence Officer	08
Excepted Service	McCoy	Doxie	Senior Communications Officer	08
Excepted Service	Pittman	James	Deputy Director	08
Excepted Service	Ribeiro	Pedro	Director of Communications	08
Excepted Service	Washington	Sterling	Director	08
Excepted Service	Anthony	Lavita	Executive Assistant	07
Excepted Service	Atkins	Latisha	Deputy Dir. Neighborhood Engage	07
Excepted Service	Bland	Stephanie	Special Assistant	07
Excepted Service	Coombs	John	Policy Analyst	07
Excepted Service	Henry	Kristen	National Service Officer	07
Excepted Service	Jennings	Cedric	Director	07
Excepted Service	Leistikow	Alexandra	Director of Scheduling	07
Excepted Service	Lowery	Terese	Exec Dir. for Comm on Women	07
Excepted Service	Mangum	Larry	Special Assistant	07
Excepted Service	Rogers	Jonathan	Budget Analyst	07
Excepted Service	Thompson	Tiffanie	Budget Analyst	07
Excepted Service	Brown	Jerry	Program Analyst	06
Excepted Service	Desjardins	Matthew	Comm. & Initiatives Specialist	06
Excepted Service	Fluker	Clarence	Comm. & Initiatives Specialist	06

OFFICE OF THE MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	George	Deborah	Policy Analyst	06
Excepted Service	Hayworth	JohnPaul	Policy Analyst	06
Excepted Service	Levine	Daryl	Special Assistant	06
Excepted Service	Marus	Robert	Writer Editor	06
Excepted Service	Muhammad	Sedrick	Special Assistant	06
Excepted Service	Nutall	Dexter	Executive Assistant	06
Excepted Service	Oding	Alimayu	Visual Information Specialist	06
Excepted Service	Williamson	Jason	Neighborhood Corps Specialist	06
Excepted Service	Blue	Peter	Program Coordinator	05
Excepted Service	Hernandez Maduro	Frank	Community Relations Specialist	05
Excepted Service	Holman	Keith	Community Service Representative	05
Excepted Service	Kelly	Deborah	Contract & Reprogram. Special.	05
Excepted Service	Loudermilk	Amy	Program Analyst	05
Excepted Service	Norris	Rufus	Constituent Services Special.	05
Excepted Service	Watson	Leonard	Special Assistant	05
Excepted Service	Wright	Brittney	Outreach & Service Specialist	05
Excepted Service	Teferi	Winta	Program Analyst	04
Excepted Service	Allen	Darin	Scheduling Specialist	03
Excepted Service	Latta	Aretha	Administrative Assistant	03
Excepted Service	Saki-Tay	Inez	Correspondence Mgmt. Spec.	03
Excepted Service	Etheridge	Lashonia	Staff Assistant	02
Excepted Service	Retland	David	Policy Analyst	02
Excepted Service	Weaver	Zachary	Policy Analyst	02
Excepted Service	Sanders	Lorenzo	Community Outreach Specialist	01

OFFICE OF THE CITY ADMINISTRATOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Lew	Allen	City Administrator	11
Excepted Service	Graves	Warren	Chief of Staff	11
Excepted Service	Campbell	Natasha	Director, LRCB	10
Excepted Service	Robinson	Anthony	Director	10
Excepted Service	Kreiswirth	Barry	Senior Legal Advisor	09
Excepted Service	Durso	Michael	Management & Prog Anal Ofcr	08
Excepted Service	Love	Phyllis	Management & Prog Anal Ofcr	08
Excepted Service	Moss	J	Executive Assistant	07

OFFICE OF THE INSPECTOR GENERAL				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Branson	Karen	General Counsel	10
Excepted Service	Bruce	Blanche	Deputy Inspector General	10
Excepted Service	Burke	Roger	Chief of Staff	10
Excepted Service	Kennedy	Susan	Supvy Attorney Advisor	10
Excepted Service	King	Ronald	Supervisory Auditor	10
Excepted Service	Wright	Alvin	Asst IG Inspector/Evaluation	10
Excepted Service	Lucchesi	Victoria	Deputy Gen Counsel	09
Excepted Service	Silverman	Stuart	Attorney	09
Excepted Service	Wolfingbarger	Brentton	Supv Attorney Advisor	09
Excepted Service	Block	Elaine	Attorney-Advisor	08

OFFICE OF THE INSPECTOR GENERAL				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Muracco	Dominick	Attorney-Advisor	08
Excepted Service	Nguyen	Dangkhua	Attorney Advisor	08
Excepted Service	Van Croft	Keith	Attorney-Advisor	08
Excepted Service	Williams	Burnette	Attorney-Advisor	08

DEPARTMENT OF GENERAL SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Burrell	Scott	Chief Operations Officer	11
Excepted Service	Harper	Ollie	Dep. Dir. for Facilities Mgmt.	11
Excepted Service	Bellamy	Sandy	Management and Program Analyst	08

OFFICE OF THE SECRETARY				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Ferrell Benavides	Aretha	Deputy Director	09
Excepted Service	Reid	Victor	Administrator, Ofc of Document	08
Excepted Service	Elwood	Patricia	Protocol Officer	08
Excepted Service	Phipps	Richard	Notary & Authent. Officer	07
Excepted Service	Davis	Clarence	Public Records Administrator	07
Excepted Service	Pierno	Robert	Special Assistant	05

DC DEPARTMENT OF HUMAN RESOURCES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Williams	Kimberly	Deputy Director	11
Excepted Service	Seed	Sudie Mae	Management and Program Analyst	07

HOMELAND SECURITIES & EMERGENCY MANAGEMENT AGENCY				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Thomas	Jorhena	Fusion Center Manager	08
Excepted Service	Brannum	Robert	Community Outreach Specialist	06
Excepted Service	Boone	William	Emergency Oper & Info. Spec.	05

OFFICE ON AGING				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Moreno	Denise	Resource Allocation Officer	08

OFFICE ON LATINO AFFAIRS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Sinisterra	Didier	Deputy Director on Latino Affairs	07

DEPARTMENT OF EMPLOYMENT SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Reich	Stephanie	Chief of Staff	09
Excepted Service	Becks	Valencia	Outreach & Service Specialist	05
Excepted Service	Barragan	Juan	Outreach & Service Specialist	05
Excepted Service	Franklin	Anita	Customer Relations Assistant	02

OFFICE OF CABLE TELEVISION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Washington	Lindsay	Producer	03

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Szegedy Maszak	Peter	Attorney Examiner	10
Excepted Service	Young	Ronald	Attorney Examiner	10
Excepted Service	Anderson	Keith	Rent Administrator	09
Excepted Service	Fields	Beatrix	Legislative Affairs Specialist	09
Excepted Service	Gutierrez	Sonia	Housing Program Coordinator	09
Excepted Service	Haynes- Franklin	Jessica	Chief of Staff	09
Excepted Service	Johnson	Denise	Realty Project Manager	08
Excepted Service	Allen	Sandy	Community Outreach Specialist	07
Excepted Service	Warner	Quinn	Resource Management Specialist	06

DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Miller	Mark	Chief Operating Officer	10
Excepted Service	Kenner	Brian	Special Assistant	10
Excepted Service	Zipper	David	Asst. Chief Operating Officer	09
Excepted Service	Greenberg	Judith	Special Assistant	09
Excepted Service	Tyus	Darnetta	Special Assistant	08
Excepted Service	Cross	Jason	Special Assistant	08
Excepted Service	Bailey	Milton	Special Assistant	08

DEPARTMENT OF SMALL AND LOCAL BUSINESS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Summers	Robert	Interim Director	10

DEPARTMENT OF FORENSIC SCIENCES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Funk	Christine	General Counsel	10
Excepted Service	Thomas	Herbert	Executive Assistant	07

METROPOLITIAN POLICE DEPARTMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Durham	Alfred	Chief of Staff	11
Excepted Service	Crump	Gwendolyn	Director, Office of Corporate	09
Excepted Service	O'Meara	Kelly	Executive Director, Strategic	09
Excepted Service	Major	Jacob	Lieutenant	08
Excepted Service	Bromeland	Matthew	Special Assistant to the Chief	09

FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Collins	Lionel	Labor Management Liaison Officer	11
Excepted Service	Miramontes	David	Medical Director	11
Excepted Service	Walls	Lon	Communications Director	10
Excepted Service	Leonard	Edward	Supervisory IT Specialist	09
Excepted Service	Butler	Calvin	Community Relations Specialist	07
Excepted Service	Roque	Sarah	Public Health Analyst	07

PS&J CLUSTER, OFFICE OF THE DEPUTY MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Quander	Paul	Deputy Mayor	11
Excepted Service	Booth	Quincy	Chief of Staff	10
Excepted Service	Hook	Melissa	Justice Grants Administrator	09
Excepted Service	Stewart-Ponder	Gitana	Legislative & Policy Analyst	07
Excepted Service	Thompson	Emile	Legislative & Policy Analyst	07
Excepted Service	Compani	Cara	Program Analyst	05
Excepted Service	McCray	Tykisha	Staff Assistant	03

OFFICE OF THE CHIEF MEDICAL EXAMINER				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Fields	Beverly	Chief of Staff	10



OFFICE OF STATE SUPERINTENDENT OF EDUCATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Mahaley	Hosana	State Superintendent of Education	11
Excepted Service	Evans	Patricia	Executive Director	09
Excepted Service	Williams	Dartanion	Strategic Plan. & Perf. Ofcr.	08
Excepted Service	Heinrich	Philip	Strategic Plan. & Perf. Ofcr.	08

OFFICE OF THE DEPUTY MAYOR FOR EDUCATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Salimi	Scheherazade	Chief of Staff	09
Excepted Service	Bleyer	Marc	Policy Analyst	08
Excepted Service	Fejeran	Celine	Program Analyst	07
Excepted Service	Starkes	Brandon	Special Assistant	05

DEPARTMENT OF PARKS AND RECREATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Shanklin	Sharia	Program Manager	08
Excepted Service	Robinson	Damiisa	Program Analyst	05
Excepted Service	Newman	Rachel	Writer Editor	05

DEPARTMENT OF HEALTH				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Pappas	Gregory	Senior Deputy Director	11
Excepted Service	Amy	Brian	Senior Deputy Director	10

DEPARTMENT OF HEALTH				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Buckson	Frances	Admin., Addiction Prevention &	10
Excepted Service	Snyder	Shaun	Chief Operating Officer	10
Excepted Service	Wharton-Boyd	Linda	Special Assistant	10
Excepted Service	Woldu	Feseha	Sr Dep Dir. H'lth Reg & License	10
Excepted Service	Chichester	Colette	Chief of Staff	09

DEPARTMENT OF HUMAN SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Nabors-Jackson	Nikol	Chief Operating Officer	10
Excepted Service	Thompson	Sakina	Policy & Prog Support Advisor	10

OFFICE OF THE DEPUTY MAYOR FOR HEALTH AND HUMAN SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Otero	Beatriz	Dep Mayor for Health & Human Services	11
Excepted Service	Quinones	Ariana	Chief of Staff	10
Excepted Service	Joseph	Rachel	Special Assistant	07
Excepted Service	Nagda	Sonia	Special Assistant	07
Excepted Service	Gomez	Sandra	Administrative Support Specialist	03

DEPARTMENT OF HEALTH CARE FINANCE				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Nathan	Ganayswaran	Dep. Dir. for Medicaid Finance	11
Excepted Service	Elam	Linda	Deputy Director	11

DEPARTMENT OF HEALTH CARE FINANCE				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Vowels	Robert	Medical Officer	10
Excepted Service	McCabe	Heather	Special Assistant	10
Excepted Service	Rapp	Melisa	Chief of Staff	09
Excepted Service	Summers	Galek	Executive Assistant	07

DEPARTMENT OF YOUTH AND REHABILITATION SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Chambers	Dwayne	Social Services Officer	07

DISTRICT DEPARTMENT OF TRANSPORTATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Nicholson	Ronaldo	Chief Transportation Engineer	11
Excepted Service	Jackson	Carl	Assoc Dir for Prog Transp Svcs	10
Excepted Service	FitzGerald	Christopher	Community Service Representative	05
Excepted Service	Archie	Davena	Community Service Representative	05

DEPARTMENT OF THE ENVIRONMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Anderson	Keith	Acting Director	11

DEPARTMENT OF PUBLIC WORKS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Carter	Michael	Deputy Director for Operations	10
Excepted Service	Thomas	Carl	Clean City Coordinator	09
Excepted Service	Lee	Sandra	Outreach & Service Specialist	05
Excepted Service	Bulger	James	Outreach & Service Specialist	05

CHILD AND FAMILY SERVICES AGENCY				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Rosenberg	Michele	Chief of Staff	08

DEPARTMENT OF MENTAL HEALTH				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Canavan	Patrick	Health System Administrator	11

DEPARTMENT OF INSURANCE, SECURITIES AND BANKING				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	McPherson	Chester	Dep Comm for Market Operations	10

OFFICE OF MOTION PICTURE & TELEVISION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Green	Leslie	Senior Communications Manager	08

DC TAXICAB COMMISSION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	McInnis	Sharon	Licensing & Enforcement Ofcr.	08
Excepted Service	Waters	Neville	Public Affairs Specialist	05

OFFICE OF TENANT ADVOCATE				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Shreve	Johanna	Chief Tenant Advocate	09

OFFICE OF VETERAN AFFAIRS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Cary	Matthew	Director, Veterans Affairs	09
Excepted Service	Fabrikant	Michael	Outreach & Service Specialist	05

**IDEA PUBLIC CHARTER SCHOOL  
REQUEST FOR PROPOSALS  
DATA MANAGER**

IDEA Public Charter School, in compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995, hereby solicits expressions of interest from Vendors or Consultants for the following tasks and services:

1. Student Data Management Service – Monthly and annual student data management to include: student data compliance submissions and other various and sundry tasks related to the data management of the school.

**Proposal Submission**

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than 2:00 p.m. EST on May 20, 2013 unless otherwise stated in associated RFP's. Proposals should be emailed to

Ms. Nicole Seward, Vice President of Operations, [sewardn@ideapcs.org](mailto:sewardn@ideapcs.org)

For information regarding the school please see: [www.ideapcs.org](http://www.ideapcs.org)

No phone call submission or late responses please. Interviews, samples, demonstrations will be scheduled at our request after the review of the proposals only.

**IDEA PUBLIC CHARTER SCHOOL  
REQUEST FOR PROPOSALS  
SCHOOL SECURITY CONTRACTOR**

IDEA Public Charter School, in compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995, hereby solicits expressions of interest from Vendors or Consultants for the following tasks and services:

**School Security Contractor**

- The vendor will provide 3-4 security officers to work throughout the school premise.
- The vendor will open and unlock the building, grounds, and parking lots, preparing the facility to receive staff and students.
- The vendor will secure and lock the building and facility at the end of the day, ensuring all gates and doors are secure, and that the building alarm system is activated.
- The vendor will conduct and observe searches of all personal property entering the building.
- The vendor's employees will have experience in crisis management and conflict resolution.
- The vendor will staff various posts in order to provide the appropriate security presence and coverage, ensuring personnel safety, physical security, and asset protection
- The vendor will perform Incident Report(s) for submission to the Head of School Culture, when required, or directed.
- The vendor will obtain statements from students, staff, or teachers as appropriate to properly document significant events which occur during their tour of duty

**Special Requirements:**

- May be required to staff personnel for weekends, early evenings, on weekdays and selected holidays.

**Proposal Submission**

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than 2:00 p.m. EST on May 20, 2013 unless otherwise stated in associated RFP's. Proposals should be emailed to

Ms. Nicole Seward, Vice President of Operations, [sewardn@ideapcs.org](mailto:sewardn@ideapcs.org)

For information regarding the school please see: [www.ideapcs.org](http://www.ideapcs.org)

No phone call submission or late responses please. Interviews, samples, demonstrations will be scheduled at our request after the review of the proposals only.

**IMAGINE SOUTHEAST PUBLIC CHARTER SCHOOL  
REQUEST FOR PROPOSALS**

**New Construction**

Imagine Southeast PCS is seeking competitive bids from a firm to patch and install a new basketball court to their site at 3100 Martin Luther King Jr. Ave. SE.

Imagine Southeast PCS reserves the right to cancel this RFP at any time.

Deadline for submission is close of business May 31, 2013.

Please e-mail proposals and supporting documentation to Melissa Winters at [Melissa.winters@imageschools.com](mailto:Melissa.winters@imageschools.com).



**THE NOT-FOR-PROFIT HOSPITAL CORPORATION****BOARD OF DIRECTORS****NOTICE OF CLOSED EMERGENCY MEETING**

The Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, will hold a closed session conference call emergency meeting pursuant to D.C. Official Code § 2-575(b)(2) at 2 pm on Monday, May 6, 2013. Notice of this emergency meeting will be posted in the Not-For-Profit Hospital Corporation, and may be published in the D.C. Register.

**DRAFT AGENDA**

- I. CALL TO ORDER**
- II. DETERMINATION OF A QUORUM**
- III. APPROVAL OF AGENDA**
- IV. BOARD DISCUSSION**
  1. Contracts related - (D.C. Official Code § 2-575(b)(2))
- V. OTHER BUSINESS**
  1. Old Business
  2. New Business
- VI. ANNOUNCEMENT**
  1. The next Governing Board Meeting will be held 9:00 a.m., May 23, 2013 at United Medical Center.
- VII. ADJOURNMENT**

**DC PUBLIC CHARTER SCHOOL BOARD****NOTICE OF REQUEST FOR PROPOSALS****EVENT MANAGEMENT SERVICES**

The District of Columbia Public Charter School Board seeks proposals from Event Management companies that are experienced in providing services to expositions, conferences, and related events, to manage the 2014 Charter School Expo. Responding companies should have specific experience managing event logistics, attendance measurements, registrations, and sponsor and exhibitor tracking, and support. Work will begin June 1, 2013 and conclude January 15, 2014.

Name of Project: Charter School Conference and Exposition

RFP Issue Date: May 6, 2013

Proposal Due Date: May 15, 2013 5:30PM

Submittal: Proposals should be submitted electronically to:  
[communications@dcpsb.org](mailto:communications@dcpsb.org)

**Scope of Core Work/ Deliverables**

PCSB is in need of consultation services and support in the development, coordination, management, marketing and promotion of its Charter School Conference and Exposition which will take place January 11, 2014 at the Verizon Center in Washington, DC. The selected vendor will be responsible for providing ongoing support to PCSB and its partners. It is in this regard that we issue this RFP seeking information and related cost to include the following:

- Manage logistics for exhibitors and sponsors including allocation and build out of exhibits, receiving exhibitor and sponsor materials, exhibit and conference space
- Assistance in drafting and disseminating Expo materials including brochures, prospectus, etc.
- Market program to current and potential exhibitors and sponsors.
- Develop new and innovative sponsorship opportunities.
- Engage in market research to facilitate growth of exhibit and sponsorship program participation.
- Coordinate and distribute exhibitor and sponsorship confirmation correspondence.
- Coordinate exhibit and sponsorship agreements.
- Coordinate traffic drivers in the exhibit hall.
- Develop floor plan for exhibit hall and coordinate booth assignments.
- Manage set up, decorations, and audio-visual needs for exhibit hall.
- Provide up to date information for conference website.
- On site management support of exhibit hall and sponsorship programs.
- Coordinate traffic drivers in the exhibit hall.
- Develop floor plan for exhibit hall and coordinate booth assignments.
- Count and track attendance.

Pricing and Bid Submission for Core Work:

Supplier is asked to submit a fixed price proposal based on the scope of work outlined above. The proposal should specifically define services included and not included.

**Scope of Work – Additional Services**

Supplier is asked to submit an hourly pricing schedule for additional work that may be requested that is outside of the scope of the Core work.

**Explanation of the RFP Process**

- a. A selection committee comprised of representatives from PCSB and selected partners will review the proposals.
- b. The selected proposal will be announced on or before May 22, 2013.

The PCSB reserves the right to amend the contract resulting from this RFP for necessary time constraints and the availability of approved funding.

**Required Contents for Proposal**

- Experience of Key Personnel
- Fee Schedule
  - The proposal must include a complete fee schedule for the services described within the proposal
- Description of Services
  - Supplier must provide complete and accurate descriptions of each service proposed, and any training, special hardware, software which may be required to by PCSB.
  - Experience and background information for any sub-contractors Supplier may use to fulfill this contract

**Evaluation of Proposals**

Criteria to be used to evaluate proposals are as follows:

Experience and Qualifications (50 points)

The Committee will evaluate a firm's relevant experience in providing similar services to other similarly sized expositions and conferences. The evaluation of experience will be a subjective assessment based upon information supplied by the firm in its submission and via reference checks. Significant sub-factors include:

Past Performance (30 points)

Past performance is defined as a measure of how well the firm has satisfied its customers, successfully achieved deliverables, and conducted business in an ethical manner, especially in similar projects. The evaluation of experience will be a subjective assessment based upon information supplied by the firm in its submission and via reference checks.

Price (20 Points)

The Committee will review each firm's stated rate in light of local consulting standards for this type of project.

**DISTRICT OF COLUMBIA RETIREMENT BOARD****INVESTMENT COMMITTEE****NOTICE OF CLOSED MEETING**

May 16, 2013 10:00 a.m.  
DCRB Board Room (2<sup>nd</sup> floor)  
900 7<sup>th</sup> Street, N.W.,  
Washington, D.C 20001

On May 16, 2013 at 10:00 a.m., the District of Columbia Retirement Board (DCRB) will hold a closed investment committee meeting regarding investment matters. In accordance with D.C. Code §2-575(b)(1), (2), and (11) and §1-909.05(e), the investment committee meeting will be closed to deliberate and make decisions on investments matters, the disclosure of which would jeopardize the ability of the DCRB to implement investment decisions or to achieve investment objectives.

The meeting will be held in the DCRB Board Room (2<sup>nd</sup> floor) at 900 7<sup>th</sup> Street, N.W., Washington, D.C 20001.

For additional information, please contact Rabinai Carson, Administrative Specialist, at (202) 343-3200 or [rabinai.carson@dc.gov](mailto:rabinai.carson@dc.gov).

**DISTRICT OF COLUMBIA RETIREMENT BOARD****NOTICE OF OPEN PUBLIC MEETING**

May 16, 2013  
1:00 p.m.

DCRB Board Room (2<sup>nd</sup> floor)  
900 7<sup>th</sup> Street, N.W.  
Washington, D.C. 20001

The District of Columbia Retirement Board (DCRB) will hold an Open meeting on May 16, 2013, at 1:00 p.m. The meeting will be held in the DCRB Board Room (2<sup>nd</sup> floor) at 900 7<sup>th</sup> Street, N.W., Washington, D.C. 20001. A general agenda for the Open Board meeting is outlined below.

*Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled.* For additional information, please contact Rabinai Carson, Administrative Specialist at (202) 343-3200 or [rabinai.carson@dc.gov](mailto:rabinai.carson@dc.gov).

**AGENDA**

- |       |  |                   |
|-------|--|-------------------|
| I.    | Call to Order and Roll Call                          | Chairman Bress    |
| II.   | Approval of Board Meeting Minutes for April 25, 2013 | Chairman Bress    |
| III.  | Chairman's Comments                                  | Chairman Bress    |
| IV.   | General Counsel Report                               | Ms. Sampson       |
| V.    | Investment Committee Report                          | Trustee Blum      |
| VI.   | Operations Committee Report                          | Trustee Ross      |
| VII.  | Benefits Committee Report                            | Trustee Suter     |
| VIII. | Legislative Committee Report                         | Trustee Blanchard |
| IX.   | Executive Director's Report                          | Mr. Stanchfield   |
| X.    | Other Business                                       | Chairman Bress    |
| XI.   | Adjournment  | Chairman Bress    |

**OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA****APPOINTMENTS OF NOTARIES PUBLIC**

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after June 1, 2013.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4<sup>th</sup> Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on May 10, 2013. Additional copies of this list are available at the above address or the website of the Office of the Secretary at [www.os.dc.gov](http://www.os.dc.gov).

**D.C. Office of the Secretary  
Recommended for appointment as a DC Notaries Public****Effective: June 1, 2013****Page 2**

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Abdallah	Ali	Citi Group 1400 G Street, NW	20005
Adams	Arlethea M.	Gibson, Dunn & Crutcher LLP 1050 Connecticut Avenue, NW	20036
Aldave	Angela	Creative Associates International 5301 Wisconsin Avenue, NW	20015
Alexander	Megan	Carr Workplace 1000 Connecticut Avenue, NW	20036
Almazan	Brenda H.	Steptoe & Johnson LLP 1330 Connecticut Avenue, NW	20036
Anderson	Lontonya	Pilgrim Rest Baptist Church 4611 Sheriff Road, NE	20019
Anderson	Tyrina	Self (Dual) 3332 Clay Street, NE	20019
Austin	Virginia M.	Capitol Concierge 1152 15th Street, NW	20005
Austin	Mildred Ann	Orrick, Herrington & Sutcliffe LLP 1152 15th Street, NW	20005
Banks	David	Health, Evaluation, and Learning Professionals 3515 10th Street, NW	20010
Barannik	Marina S.	Feldesman Tucker Leifer Fidell LLP 1129 20th Street, NW, Suite 400	20036
Barefoot	David	SameDay Process Service, Inc 1219 11th Street, NW	20001
Barnes	Ariel	TD Bank 801 17th Street, NW	20006
Barrett	Gloria J.	U.S. Department of Labor 200 Constitution Avenue, NW	20210
Bautista	Reynald K.	Self (Dual) 230 M Street, SW	20024

**D.C. Office of the Secretary  
Recommended for appointment as a DC Notaries Public****Effective: June 1, 2013****Page 3**

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Beasley	Dane	National Republican Senatorial Committee 425 2nd Street, NE	20002
Bennett	Timothy Aaron	Self 1939 First Street, NE	20002
Blackett	Fenona	Global Engineering Solutions of Washington, DC 1900 M Street, NW, Suite 200	20036
Bradley	Dominique	First Home Care 1012 14th Street, NW, Suite 1003	20005
Brody	Sandra M.	Self (Dual) 3243 15th Place, SE	20020
Burns	Elise	Steptoe & Johnson LLP 1330 Connecticut Avenue, NW	20036
Byers	Laura	William C. Smith & Co. 1100 New Jersey Avenue, SE, Suite 1000	20003
Calis	Mark	Minuteman Press 555 New Jersey Avenue, NW	20001
Caola	Margaret	Quebec House 2800 Quebec Street, NW	20008
Carpenter	Nichola R.	Goulston & Storrs 1999 K Street, NW, Suite 500	20006
Chambers	Marquita Shanae	Ballard Spahr, LLP 1909 K Street, NW, 12th Floor	20006
Cordova	Celito	National Institute of Health Federal Credit Union 5255 Loughboro Road, NW, Concourse Level	20016
Craddock	Carolyn S.	United States Department of Education 830 First Street, NE	20202
Cullinane	Theresa C.	Carroll Manor Nursing Facility 1150 Varnum Street, NE	20017



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Davis	Jonathan D.	JDos International Inc. 4506 14th Street, NW	20011
Dornan	Jonathan	Capital One Bank 1717 Pennsylvania Avenue, NW	20006
Dorsey	Dawne M.	Department of Housing and Community Development 1800 Martin Luther King, Jr. Avenue, SE	20020
Duncan	Amy L.	Bass, Berry & Sims, PLLC 1201 Pennsylvania Avenue, NW, Suite 300	20004
Espinoza	Nelson	M& T Bank 2620 Connecticut Avenue, NW	20008
Fennell	Chanara	M & T Bank 555 12th Street, NW	20004
Fleming	Joyce	Squire Sanders (US) LLP 1200 19th Street, NW, Suite 300	20036
Fleming	Victoria A.	DC Water and Sewer Authority 5000 Overlook Avenue, SW	20032
Forman	Jason	Worldwide Settlements, Inc. 1425 K Street, NW, Suite 350	20005
Fowler	Cheryl A.	Community Realty Company - Quebec House Apartments 2800 Quebec Street, NW	20008
Fox	Christine	Bradford Roe Associates Court Reporters 1050 17th Street, NW, Suite 600	20036
Fox	Melvon	Self 600 Barnes Street, NE, Suite 305	20019

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Fralin	William S.	The Estate Planning & Elder Law Firm, P.C. 1111 19th Street, NW	20042
Freedman	Stephen	WorldWide Settlements 1425 K Street, NW, Suite 350	20005
Gaddis	Juan H.	Fort Lincoln Realty Company, Inc. 3298 Fort Lincoln Drive, NE	20018
Gersh	Bruce J.	William P. Gerserg Incorporation 6511 Chillum Place, NW	20012
Ghannam	Mervette R.	A. Washington Travel & Passport Visa Services 2300 M Street, NW	20037
Ginn-White	Earnesteen	Sterne, Kessler, Goldstein & Fox 1100 New York Avenue, NW	20005
Glenn	V'Hesspa	Nave & Associates, PLLC 1405 Florida Avenue, NW	20009
Gonzaga	Natalie Figueroa	Worldwide Settlements 1425 K Street, NW, Suite 350	20005
Harris	Daniela R.	Rubin, Winston, Winston, Diercks, Harris & Cooke, LLP 1201 Connecticut Avenue, NW, Suite 200	20036
Harris	Bernice	Howard University Hospital 2041 Georgia Avenue, NW, Rm 4-B16	20060
Hart	Elaine M.	KPMG LLP 1801 K Street, NW, Suite 12000	20006
Hart	Denise	First Church of Seventh-day Adventists 810 Shepherd Street, NW	20011
Hill	Willette A.	Best Best & Krieger, LLP 2000 Pennsylvania Avenue, NW, Suite 4300	20006

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Hill	Brigitte-Ann Louw	Bank Fund Staff Federal Credit Union 1725 I Street, NW, Suite 150	20006
Holman	Dottie E.	Perry Street Preparatory Public Charter School 1800 Perry Street, NE	20018
Jackson	Cheryl F.	Department of Housing and Community Development 1800 Martin Luther King, Jr. Avenue, SE	20020
Jackson	Rosette	USDA, Forest Service 1400 Independence Avenue, SW	20250
Jones	Nicole D.	Knobbe Martens 1717 Pennsylvania Avenue, NW, Suite 900	20006
Jordan	Melanie	Self (Dual) 1851 Columbia Road, NW, Suite 607	20009
Keaton	Ada D.	Self 1328 Longfellow Street, NW	20011
Kelley	JaVonda D.	Hunton & Williams, LLP 2200 Pennsylvania Avenue, NW	20037
Kessler	Lauren	Washington DC Jewish Community Center 1529 16th Street, NW	20036
Kimball	Jacqueline E.	Feder Reporting Company 810 Capitol Square Place, SW	20024
Klingelhofer	Mary Jane S.	Robert Silman Associates 1053 31st Street, NW	20007
LaFleur	Geanna M.	TD Bank 1030 15th Street, NW	20005
Lang	Michael D.	Wells Fargo Bank NA 801 Pennsylvania Avenue, NW	20004

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Laso	Luis E.	Robert Silman Associates, PLLC 1053 31st Street, NW	20007
Lindsay	Darren K.	Self 5117 Western Avenue, NW	20016
Little	Delores Hardy	National Council Architecture Registration Boards 1801 K Street, NW, Suite 700- K	20006
Locke	Brooke	NCBA Housing Management Corporation 2801 14th Street, NW, Suite 800	20005
Lopez	Eric	National Council of LaRaza 1126 16th Street, NW, Suite 600	20036
Maheux	Debra L.	For the Record, Inc 1100 H Street, NW, Suite 1050	20005
Mahoney	Erin	Southern Wine & Spirits 3145 V Street, NE	20018
Main	Laura	BuckleySandler, LLP 1250 24th Street, NW, Suite 700	20037
McConnell	Julie	Settlement Pros 5101 Wisconsin Avenue, NW, Suite 101	20016
McGann	Rudolph	District of Columbia Board of Elections 441 4th Street, NW, Suite 280N	20001
McKinney	Angela L.	Plant Depos, LLC 1100 Connecticut Avenue, NW, Suite 900	20036
Michalowskij	Patricia K.	U.S. Court of Appeals - District of Columbia Circuit 333 Constitution Avenue, NW	20001
Mugnano	Francoise	CampaignGrid 400 First Street, SE, 2nd Floor	20003

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Nelson	Jacqueline M.	Feldesman Tucker Leifer Fidell LLP 1129 20th Street, NW, Suite 400	20036
Noble	Desiree C.	IVV Enterprises, LLC 1711 Stanton Terrace, SE	20020
Nocho	Inez Y.	William & Connolly, LLP 725 12th Street, NW	20005
Nottingham	Michelle	Duane Morris, LLP 505 9th Street, NW, Suite 1000	20004
Onwuche, Jr.	Charles Ebuka	Self 739 Butternut Street, NW	20012
Parks	Angela M.	Self 804 3rd Street, SW	20024
Parran	Stephanie N.	Agriculture Federal Credit Union 1400 Independence Avenue, SW, SM-2	20250
Payton	Lakeisha	Ingleside at Rock Creek 3050 Military Road, NW	20015
Petit	Brandon S.	Basilica of the National Shrine of the Immaculate Conception 400 Michigan Avenue, NE	20017
Pumphrey	Meena Y.	Sheppard Mullin Richter Hampton 1300 I Street, NW, 11 Floor East	20005
Quade	Sally Jo	For The Record, Inc. 1100 H Street, NW, Suite 1050	20005
Regino	Noemi A.	Federal Services, Inc. 1712 I Street, NW, Suite 915	20006
Regino	Ernie V.	Federal Services, Inc. 1712 I Street, NW, Suite 915	20006
Ricks	Stephen E.	Tricon of Washington, D.C., Inc. 1702 Minnesota Avenue, S.E., B1	20020

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Rivera	Nancy I.	United Therapeutics Corporation 1735 Connecticut Avenue, NW, 2nd Floor	20009
Roberts	Dianne M.	Arent Fox, LLP 1717 K Street, NW	20036
Rogers	Hattie	University of the District of Columbia 4200 Connecticut Avenue, NW	20008
Rowan	Andrew Patrick	agencyQ 1825 K Street, NW	20006
Rubin	Howard	M& T Bank 5630 Connecticut Avenue, NW	20015
Savino	Michele C.	Turner Construction Company 2400 E Capitol Street, SE	20003
Sawyer	Jacquelyn	NIH Federal Credit Union 2200 Pennsylvania Avenue, NW, Suite E-160	20037
Schaver	Rhonda B.	The Arc of the United States, Inc. 1825 K Street, NW, Suite 1200	20006
Shields	Chase K.	Nave & Associates, PLLC 1405 Florida Avenue, NW	20009
Spach	Jerilyn A.	Holland & Knight LLP 800 17th Street, NW	20006
Stevenson	Kristen S.	Bank Fund Staff Federal Credit Union 1818 H Street, NW	20006
Swanson	Cheryl L.	Richards Kibbe & Orbe LLP 701 8th Street, NW, Suite 300	20001
Sylanovich	Sonia	Skadden, Arps, Slate, Meagher & Flom LLP 1440 New York Avenue, NW	20005
Taheri	Kevin	Worldwide Settlements, Inc 1425 K Street, NW, Suite 350	20005

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Talbot	Anna	Democratic National Committee 430 South Capitol Street, SE	20003
Tamoufe	Line Renee	National Institute of Health Federal Credit Union 5215 Loughboro Road, NW, Suite 110	20016
Taylor	Phyllis M.	Consumer Healthcare Products Association 900 19th Street, NW, Suite 700	20006
Thomas	Victor A.	In His Service Luxury Transports, LLC 408 59th Street, NE	20019
Thorburn	Michele	DKT International 1701 K Street, NW, Suite 900	20006
Timbers	Shirleen S.	Self 813 Eye Street, NE	20002
Unonu	Chinwe	Bank of America 1339 Wisconsin Avenue, NW	20007
Vettori	Robert	Bank of America, NA 3401 Connecticut Avenue, NW	20008
Wagner	Steven E.	International Finance Corporation 2121 Pennsylvania Avenue, NW, Suite 7P-234	20433
Washington	Alvenia	State Department Federal Credit Union 2201 C Street, NW	20520
Wensil	Brenda F.	Wensil Executive Coaching and Leadership Development 130 M Street, NE, Suite 902	20002
Wheeler	Patricia A.	Steptoe & Johnson LLP 1330 Connecticut Avenue, NW	20036
Williams	Britney	M& T Bank 555 12th Street, NW	20004
Williams	Brenda L.	American Society for Microbiology 1752 N Street, NW	20036

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Wise	René	Securities and Exchange Commission 100 F Street, NE	20549
Younathan	Daniel E.	The Government of the District of Columbia, Office of Human Rights 441 4th Street, NW, 570N	20001
Young	Angelisa D.	Office of the Attorney General, Child Support Services Division 441 4th Street, NW, Suite 550N	20001



**UNIVERSITY OF THE DISTRICT OF COLUMBIA**  
**EXECUTIVE COMMITTEE OF THE BOARD OF TRUSTEES**

**NOTICE OF PUBLIC MEETING**

The Executive Committee of the Board of Trustees of the University of the District of Columbia will be meeting on Tuesday, May 14, 2013 at 6:00 p.m. The meeting will be held in the Board Room, Third Floor, Building 39 at the Van Ness Campus, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Below is the planned agenda for the meeting. The final agenda will be posted to the University of the District of Columbia's website at [www.udc.edu](http://www.udc.edu).

For additional information, please contact: Beverly Franklin, Executive Secretary, at (202) 274-6258 or [bfranklin@udc.edu](mailto:bfranklin@udc.edu).

**Planned Agenda**

- I. Call to Order and Roll Call**
- II. Executive Appointments**
- III. Closing**

**Adjournment**

*Expected Meeting Closure*

In accordance with Section 405(b) (10) of the Open Meetings Act of 2010, the Board of Trustees hereby gives notice that it may conduct an executive session, for the purpose of discussing the appointment, employment, assignment, promotion, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials.

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

The Washington Latin Public Charter School solicits expressions of interest in the form of proposals with references from qualified vendors for each of the 10 services listed below.

**Business Services:**

1. Technology consulting – support the school’s technology needs with installation, maintenance, repair, and professional development
2. Phone equipment and services – equipment and service for 80 classrooms phones and 3 attendant phones.
3. Accounting services – accounting consulting services
4. Auditing services – DCPCSB approved auditor to perform annual audit and OBM Circular A-133 Audit
5. Copier Services–provide copier contract, service and maintenance
6. Development consultant-support the school’s annual giving, major gifts and capital giving programs

**Insurance services:**

7. Employee Benefits – provide health and life insurance for 100+ employees
8. Business Insurance – business insurance coverage for public charter school

**School services**

9. Cleaning services with the implementation of green cleaning program – daily cleaning services after school for school’s newly renovated 75,000 sf facility
  - a. Kitchen- one large kitchen/server, one small kitchenette for faculty
  - b. 44 classrooms (hardwood or VCT); 26 offices (carpeted)
  - c. Toilets – 16 rooms total; 47 toilets/urinals and 28 sinks, 1 shower
  - d. Other spaces – 4 stairs, corridors and other multipurpose areas
10. Bus service – daily round trip bus service from three DC locations to the school in morning and afternoon; and additional services as needed

Questions and proposals may be e-mailed to [gizurieta@latinpcs.org](mailto:gizurieta@latinpcs.org) with the subject line in the type of service. Deadline for submissions is **12pm May 24, 2013**. Appointments for presentations will be scheduled at the discretion of the school office after receipt of proposals only. No phone calls please.

E-mail is the preferred method for responding but you can also mail proposals and supporting documents to the following address:

Washington Latin Public Charter School  
Attn: Finance Office  
4715 16<sup>th</sup> Street NW  
Washington, DC 20011

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY****BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Environmental Quality and Sewerage Services Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Sewerage Services Committee will be holding a meeting on Thursday, May 16, 2013 at 9:30 a.m. The meeting will be held in the Board Room (4<sup>th</sup> 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.dewater.com](http://www.dewater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [لمانley@dewater.com](mailto:لمانley@dewater.com).

**DRAFT AGENDA**

- |  |  |
|--|--|
| <b>I. Call to Order</b>                                  | Committee Chairperson                          |
| <b>II. AWTP Status Updates</b><br>1. BPAWTP Performance  | Assistant General Manager,<br>Plant Operations |
| <b>III. Status Updates</b>                               | Chief Engineer                                 |
| <b>IV. Project Status Updates</b>                        | Director, Engineering & Technical<br>Services  |
| <b>V. Action Items</b><br>- Joint Use<br>- Non-Joint Use | Chief Engineer                                 |
| <b>VI. Emerging Items/Other Business</b>                 |  |
| <b>VII. Adjournment</b>                                  | Committee Chairperson                          |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Water Quality and Water Services Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Water Quality and Water Services Committee will be holding a meeting on Thursday, May 16, 2013, at 11:30 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.dewater.com](http://www.dewater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [linda.manley@dewater.com](mailto:linda.manley@dewater.com).

DRAFT AGENDA

- I. **Call to Order** Committee Chairperson
- II. **Water Quality Monitoring** Assistant General Manager, Consumer Ser.
- III. **Fire Hydrant Upgrade Program** Assistant General Manager, Consumer Ser.
- IV. **Action Items** Assistant General Manager, Consumer Ser.
- V. **Emerging Issues/Other Business** Assistant General Manager, Consumer Ser.
- VI. **Adjournment** Committee Chairperson

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

**Appeal No. 18321 of the Citizens Association of Georgetown**, pursuant to 11 DCMR §§ 3100 and 3101, from a decision on August 26, 2011, by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue a building permit (B1010202) allowing construction of a rear addition to an existing building in the C-2-A District at premises 1525 Wisconsin Avenue, N.W. (Square 1271, Lot 0813).

**HEARING DATES:** March 6, 2012, May 15, 2012, and September 25, 2012  
**DECISION DATE:** September 25, 2012

**ORDER DISMISSING APPEAL**

**INTRODUCTION**

This appeal was filed by the Citizens Association of Georgetown with the Board of Zoning Adjustment (the “Board”) on October 25, 2011, challenging the Department of Consumer and Regulatory Affairs’ (“DCRA”) issuance of a building permit approving a rear addition to an existing building at 1525 Wisconsin Avenue, N.W. That building permit has now been revoked by DCRA. For this reason, the Board voted to dismiss the appeal as moot. A full explanation of the factual and legal basis for the Board’s conclusion follows.

**PRELIMINARY MATTERS**

Notice of Appeal and Notice of Hearing

This Appeal was filed with the Board on October 25, 2011 by the Citizens Association of Georgetown (the “Appellant” or the “Association”). (Exhibit 1- Appeal, and Exhibit 3-Statement on Appeal.) The filings detailed several claims of zoning error, including alleged approval of non-conforming lot occupancy. Accordingly, the Office of Zoning scheduled a public hearing for March 6, 2012. Notice of the hearing was provided to the property owner, Sara Mokhtari, d.b.a. Dey Dreams LLC (Exhibit 16), the Appellant (Exhibit 15), the Advisory Neighborhood Commission (“ANC”) 2E (Exhibit 17), and DCRA (Exhibit 18).

Appearance and Representation

The Appellant authorized Outerbridge Horsey, AIA, to represent the Association during the proceedings. (Exhibit 4.) DCRA was represented by Jay Surabian, Esq., Office of the General Counsel, and Matthew LeGrant, the Zoning Administrator (“ZA”). Mr. Horsey appeared during the public hearing, as did the property owner (the “Owner” or “Ms. Mokhtari”), Mr. Surabian, and Mr. LeGrant. The ANC did not participate during the proceedings.

**BZA APPEAL NO. 18321**  
**PAGE NO. 2**Continuance

On March 6, 2012, the Appellant submitted a written request for a continuance of the public hearing scheduled for that date. (Exhibit 19.) The submission also alleged that the permit approval encompassed additional zoning violations, including the proposed construction of a covered structure in the second floor open court. (Exhibit 19.) Although DCRA consented to the continuance, the Owner opposed the request. The Board continued the appeal until May 15, 2012, and instructed Mr. Horsey to seek an amendment to the appeal if he wished to add new grounds or claims of error.

DCRA's Motion to Dismiss

On May 10, 2012, DCRA filed a Motion to Dismiss, contending that the appeal was now moot. (Exhibit 20.) The basis for its motion was that the agency had "proceeded to take enforcement action to revoke the building permit at issue in this appeal." (Exhibit 20.) In fact, DCRA had served a "Notice of Revocation" of the building permit that would take effect on August 31, 2012 unless the Owner submitted revised plans satisfactory to DCRA and other reviewing agencies, including the Commission of Fine Arts ("CFA"), obtained a revised permit, and completed construction by that date. The Board received a filing from the Appellant in opposition to the Motion to Dismiss. (Exhibit 22.) On May 15, 2012, the Board heard argument from the parties and then voted to deny the Motion to Dismiss, finding that the dispute was still "live". The hearing was continued to September 25, 2012.

Untimely Submissions

At the start of the hearing on September 25, 2012, Appellant proffered a submission to the Board consisting of a brief Statement and two annotated drawings referred to in the Statement. Because the submission was not filed within 14 days prior to the hearing, the Appellant requested a waiver of the requirements of § 3112.10, which unambiguously sets this time limitation on the Appellant. The Board denied this request, finding that the Appellant had known about the hearing for many months and had no excuse for the late filing, or the failure to serve DCRA and the Owner.

**FINDINGS OF FACT**The Building Permit

1. The subject property is located at 1525 Wisconsin Avenue, N.W., in the C-2-A Zone District, and in the Georgetown Historic District.
2. It consists of a three-story building and cellar. The first two floors are used for retail, and the upper floor is used residentially.

**BZA APPEAL NO. 18321****PAGE NO. 3**

3. On or about September 16, 2010, the former property owner applied to DCRA for a building permit to construct, in relevant part, a two-story rear addition.
4. On August 26, 2011, Building Permit No. B1010202 was issued to Dey Dreams LLC (also hereafter, the "Owner"), and construction began.

The Appeal

5. On October 25, 2011, the Association filed an appeal challenging DCRA's issuance of the building permit. The Association contended, among other things, that the approval was contrary to the lot occupancy requirements and the court width requirements of the Zoning Regulations.

DCRA's Post-Permit Review and Enforcement Steps

6. After the appeal was filed, the ZA reviewed the matter again and determined that the submitted plans did not permit him to make a finding as to whether the proposed addition did or did not comply with the lot occupancy and floor area ratio ("FAR") requirements of the Zoning Regulations.
7. As to lot occupancy, the ZA found that one sheet in the plan set indicated that the second floor of the existing building would be used as retail space, but that a floor plan submitted with the same plan set indicated that the use of that space will be residential. The ZA therefore concluded that it was not possible to determine if the approved plans met or exceeded the allowable lot occupancy since different standards applied to retail and residential uses.
8. As to FAR, the ZA found that the scale of the plans was inconsistent with the dimensions given on the plan sheets. Since the dimensioned numbers and scale were inconsistent, the ZA concluded that it was impossible to accurately determine the size of the building and thus it was also impossible to calculate the floor area ratio.
9. DCRA then directed the Owner to submit revised plans that provided information necessary to determine compliance with those two requirements of the Zoning Regulations.
10. The Owner submitted revised plans to DCRA on January 19, 2012.
11. The ZA determined that the proposed design complied with the Zoning Regulations.
12. On February 21, 2012, the Office of Planning's Historic Preservation Office ("HPO") issued the Owner a letter informing her that the Historic Preservation Review Board had recommended against the issuance of a building permit based upon the revised design. The basis of that recommendation was that the CFA had also recommended against permit issuance.

**BZA APPEAL NO. 18321****PAGE NO. 4**

13. The HPO letter indicated that the Owner had the option of revising its plans or requesting a hearing before the Mayor's Agent for Historic Preservation.
14. Pursuant to D.C. Official Code § 6-1202, upon the receipt of a CFA report the Mayor "shall take such actions as in his judgment are right and proper in the circumstances."
15. On May 2, 2012 DCRA gave notice of its intent to revoke Building Permit No. B 1010202.
16. The notice indicated that building permit would be deemed revoked on August 31, 2012 unless the Owner: (a) submitted revised plans for the construction of the rear addition that met the approval of DCRA and other reviewing agencies, including CFA; and (b) obtained a revised permit and completed construction of the work under the revised and approved plans by August 31, 2012.
17. The Owner did not submit revised plans in accordance with the first requirement, which was a necessary prerequisite to complying with the second requirement.
18. As a consequence, DCRA is deemed to have revoked Building Permit No. B1010202 on August 31, 2012.
19. In issuing the revocation, DCRA took the action sought by the Appellant. Because there was no longer any controversy between the Appellant and DCRA, the instant appeal is moot.

**CONCLUSIONS OF LAW**

Section 8 of the Zoning Act authorizes appeals to the Board "... by any person aggrieved, or organization authorized to represent that person, ... affected by any decision of an administrative officer granting or refusing a building permit ... based in whole or in part upon any Zoning Regulations ..." D.C. Official Code § 6-641.07(f) (2008). The Citizens Association challenged DCRA's issuance of a building permit on the ground that the zoning analysis undertaken by DCRA was in error and the building permit should not have issued.

From almost the start, DCRA asserted that the instant appeal was moot. While the Board did not initially agree, it ultimately found that the appeal was moot and should therefore be dismissed.

The Board's Rules of Practice prohibit it from considering "moot" questions. (11 DCMR § 3100.7.) Indeed, the Board has dismissed several appeals as moot; for example, *Appeal No. 18249 of Larry Heyman* (February 21, 2012) (portion of appeal based upon incorrect lot number rendered moot when DCRA issued a revised building permit with a corrected lot number); *Appeal No. 17085 of Louise and Larry Smith and Mary Ann Snow and James Marsh* (February 28, 2005) (appeal challenging construction on substandard lots rendered moot by owners' obtaining variances of lot size and lot width requirements); *Appeal No. 16984 of Advisory*



**BZA APPEAL NO. 18321****PAGE NO. 5**

*Neighborhood Commission 2A* (March 22, 2004) (appeal challenging portion of permit approving expansion became moot when renovation approved under revised permit which eliminated the expansion); and *Appeal No. 16752 of Advisory Neighborhood Commission 4A* (December 12, 2001) (appeal challenging certificate of occupancy became moot when new certificate of occupancy issued and original certificate of occupancy voided).

“A case is moot when the legal issues present are no longer ‘live’ or when the parties lack a legally cognizable interest in the outcome... The central question is ... whether the decision of a once living dispute continues to be justified by a sufficient prospect that the decision will have an impact on the parties.” *N Street Follies Limited Partnership v. DC Bd. of Zoning Adjustment*, 949 A.2d 584 (D.C. 2008) (other citations omitted). Applying these principles to this case, the Board finds that, although the issues were still “live” when the Board heard the case on May 15, 2012, they ceased to be so by September 25, 2012 when the Board found that the appeal was moot.

When the Board heard from the parties on May 15, the controversy was still “live” because DCRA had not yet revoked the permit, but only given notice of its intent to do so by August 31, 2012. The notice further indicated that revocation would not take place if the Owner submitted revised plans satisfactory to DCRA and other reviewing agencies, including CFA, obtained a revised permit, and completed construction in accordance with the revised plans by the August 31<sup>st</sup> date. None of this occurred. Therefore, by the time the case was heard on September 25, the revocation was deemed issued. Since the point of this appeal was to achieve that objective, there is no longer any “live” controversy between Appellant and DCRA as to whether the permit should be revoked.

To be sure, the Appellant also requested the Board to compel the Owner to seek a variance for lot occupancy relief. (Hearing Transcript of September 25, 2012, p. 182-183). However, as the Board has stated previously, neither the Zoning Act nor the Zoning Regulations grants the Board such an extraordinary power. In the absence of an application for a variance filed by a property owner, the Board may not decide or grant such relief. (11 DCMR §§ 3113.3 and 3113.4.) *Appeal No. 17465 of Advisory Neighborhood Commission 3D* (May 9, 2006).

Accordingly, the Board hereby **ORDERS BZA Appeal No. 18321 DISMISSED as moot.**

**VOTE: 4-0-1** (Lloyd J. Jordan, Nicole C. Sorg, Jeffrey L. Hinkle, and Anthony J. Hood voting to DISMISS the appeal; one Board seat vacant.)

**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:** May 2, 2013

**BZA APPEAL NO. 18321**  
**PAGE NO. 6**

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. 18531 of The Heritage Foundation**, pursuant to 11 DCMR §§ 3104.1, 3103.2, and 1202.1, for a variance from the floor area ratio requirements under § 771, a variance from the roof structure height provisions under § 1203.2(b), a variance from the nonconforming structure provisions under § 2001.3, a variance from the vehicle location and lot line requirements for a parking garage under § 2303.1(b), a variance from the structures in required open space under § 2503.2, and a special exception for accessory parking under § 214, to allow a commercial and residential project with below-grade parking in the CAP/CHC/C-2-A and CAP/R-4 Districts at premises 208, 214, and 236 Massachusetts Avenue, N.E. and 426-430 3rd Street, N.E. (Square 755, Lots 3, 26, 36, 836, 838, and 849).<sup>1</sup>

**HEARING DATE:** April 9, 2013

**DECISION DATE:** April 30, 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") 6C, 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 6C, which is automatically a party to this application. ANC 6C submitted two reports. The ANC first submitted a letter dated March 18, 2013, which indicated that the application came before the ANC on March 13, 2013, at a duly noticed, regularly scheduled monthly public meeting at which a quorum was present. The ANC stated that while it had previously voted on and supported the Historic Preservation Office application for this project, the ANC was requesting that the BZA record stay open so the ANC could review the District Department of Transportation's ("DDOT") traffic study and report on the application. (Exhibit 25.) Subsequently, the ANC submitted a second letter dated April 15, 2013, indicating that the application was also reviewed at a duly noticed, regularly scheduled public meeting on

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<sup>1</sup> The Applicant amended the application by withdrawing a request for zoning relief from roof structure requirements under § 411.11 and adding a request for zoning relief from structures in required open space under § 2503.2(b). The caption has been revised accordingly. The Applicant further amended the application by proposing to remove the half-floor at the fourth underground parking level. The final proposal is for 93 parking spaces, 87 dedicated to The Heritage Foundation, and six dedicated to the townhouse.

**BZA APPLICATION NO. 18531****PAGE NO. 2**

April 10, 2013, at which a quorum was present. The ANC stated that after reviewing the DDOT traffic impact study and the changes that were made to the project by the Applicant since March in response to community concerns, the ANC voted unanimously (5:0) to support the application with two caveats: the ANC would encourage the BZA to grant relief for the roof structure and the ANC welcomed the bike share station near the project. (Exhibit 50.)

The Office of Planning ("OP") submitted two reports. The first OP report, dated April 2, 2013, was timely and in support of the application subject to DDOT's recommendations for conditions. (Exhibit 33.) The Board gave leave for OP to supplement its report to respond to the Applicant's post-hearing submission including any proposed transportation demand management ("TDM") conditions. OP filed a supplemental report, dated April 23, 2013, that indicated that OP is "generally...supportive of the proposed transportation demand management conditions, but defers to any more specific recommendations or analysis provide in the DDOT report." (Exhibit 53.)

DDOT submitted two reports as well. The first, dated April 3, 2013, provided an analysis of the project's transportation and traffic impacts and acknowledged the Applicant's proffers of TDM measures, but provided no specific recommendations for conditions. (Exhibit 35.) The Board gave leave for DDOT to provide a response to the Applicant's post-hearing submission. DDOT submitted a supplemental report, dated April 23, 2013, that recommended that the Applicant's commitment of funding toward a Capital Bikeshare station be made a condition of the first certificate of occupancy issued for any phase of construction, provided that if an initial certificate of occupancy for the first completed phase is not issued prior to the end of calendar year 2015, then the Applicant should have to contribute the future-year cost for a 40-foot station and one year of operating and maintenance, as a condition for the grant of the occupancy certificate. (Exhibit 52.)

The Architect of the Capitol ("AOC") also submitted two letters. The first AOC letter, dated March 29, 2013, was timely and indicated that the project was "not inconsistent with the intent of the CAP/R-4 District." Nevertheless, the AOC cautioned that it could not at that time adequately assess the impact of increased parking on the adjacent area and the U.S. Capitol precinct based on the information the Applicant had provided up to then. The AOC requested that the Applicant provide the Board a Traffic Management Plan approved by DDOT that "clearly determines the nature of who will park in the new underground garage..., impacts on streets, and whether or not residents of their property on Massachusetts Avenue are eligible for RPP on adjacent streets. ...The Architect of the Capitol would also like the Applicant to address the issue of bicycle parking in the underground garage and above grade at its buildings." (Exhibit 30.)

At the public hearing on April 9<sup>th</sup>, the Board gave leave for the AOC to submit a response to the Applicant's post-hearing submissions. The Applicant submitted post-hearing submissions that indicated that the Applicant had addressed the AOC's requests. (Exhibit 54.) The second AOC letter, dated April 15, 2013, indicated that the AOC was satisfied

**BZA APPLICATION NO. 18531****PAGE NO. 3**

after reviewing the additional material supplied by the Applicant's traffic engineers and DDOT as well as the Applicant's concurrence with DDOT's conditions and requirements and thus no longer had any issues with the project. (Exhibit 51.)

Ten letters and emails of support were submitted by neighbors and residents Charlotte McNaughton, 407 3<sup>rd</sup> Street, N.E., (Exhibit 34); Benjamin Robins, 429 3<sup>rd</sup> Street, N.E., (Exhibit 32); Michael Murphy, 322 E Street, N.E., (Exhibit 31), Susan Thigpen Carlson, 510 3<sup>rd</sup> Street, N.E., (Exhibit 39); Joseph and Joan Suntum, 514 3<sup>rd</sup> Street, N.E., (Exhibit 38); Andrew Glasow, 415 3<sup>rd</sup> Street, N.E.; Grant Griffith; H. Ryall Smith, Jr.; J. Fred Saddler, 415 3<sup>rd</sup> Street, N.E.; and Don Denton. (Exhibits 37 and 45.)

A statement in partial opposition was submitted by neighbors Holly and Stephen Gibbons, 221½ E Street, N.E. (Exhibit 26.)

Further, a party status request in opposition was submitted (Exhibit 28) but subsequently withdrawn by Glenn Cadoret, 225 E Street, N.E. Mr. Cadoret indicated that the Applicant had addressed his concerns to his satisfaction. (Exhibit 36.)

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 floor area ratio requirements under § 771, the roof structure height provisions under § 1203.2(b), the nonconforming structure provisions under § 2001.3, the vehicle location and lot line requirements for a parking garage under § 2303.1(b), and the structures in required open space under § 2503.2. 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

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 and 1202.1 from the strict application of the regulations pertaining to accessory parking under § 214. No parties appeared at the public hearing in

**BZA APPLICATION NO. 18531****PAGE NO. 4**

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, 1202.1, and 214, 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 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 APPROVED PLANS AT EXHIBITS 44 AND 54 AND THE FOLLOWING CONDITIONS:**

1. Heritage shall charge staff permit holders for the underground accessory parking a rate that is equal to or more than its ongoing operating costs.
2. Heritage shall maintain and continue its SmartBenefits program.
3. Heritage shall provide 36 bicycle parking spaces in the underground accessory parking, six bicycle parking spaces within 236 Massachusetts Avenue, and 10 bicycle parking spaces outside on Massachusetts Avenue adjacent to the buildings (subject to Public Space Committee approval).
4. Heritage shall pay the cost of installing and one year of operating costs for a 40-foot Capital Bikeshare station in the immediate vicinity of the Property at a location to be selected by DDOT.
5. Heritage shall be permitted to construct and occupy the project in phases, and issuance of a building permit for any portion of the project shall vest this Order.

**VOTE:**       **4-0-1** (Nicole C. Sorg, S. Kathryn Allen, Jeffrey L. Hinkle, and Anthony J. Hood to Approve; Lloyd J. Jordan, not participating or voting.)

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

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

**FINAL DATE OF ORDER:** May 3, 2013

**BZA APPLICATION NO. 18531****PAGE NO. 5**

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.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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

**BZA APPLICATION NO. 18531**

**PAGE NO. 6**

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. 18542 of John M. Crain**, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear addition to an existing one-family row dwelling under section 223, not meeting the lot occupancy (section 403), rear yard (section 404), and nonconforming structure (subsection 2001.3) requirements in the R-4 District at premises 452 New Jersey Avenue, S.E. (Square 694, Lot 803).

**HEARING DATE:** April 30, 2013

**DECISION DATE:** April 30, 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 Department of Transportation 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.

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 31 – Plans) be **GRANTED**.

BZA APPLICATION NO. 18542

PAGE NO. 2

**VOTE:**       **5-0-0** (Lloyd J. Jordan, Jeffrey L. Hinkle, S. Kathryn Allen, Nicole C. Sorg and Peter G. May 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:** May 1, 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. 18545 of Charles King**, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear addition to an existing one-family semi-detached dwelling under section 223, not meeting the lot area (section 401), lot occupancy (section 403), rear yard (section 404) and nonconforming structure (subsection 2001.3) requirements in the R-4 District at premises 650 C Street, N.E. (Square 864, Lot 802).

**HEARING DATE:** April 30, 2013

**DECISION DATE:** April 30, 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”) 6C, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. ANC 6C submitted a letter in support of the application. The Department of Transportation 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 letters from neighbors 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 11– Plans) be **GRANTED**.

BZA APPLICATION NO. 18545

PAGE NO. 2

**VOTE:**       **5-0-0** (Lloyd J. Jordan, Nicole C. Sorg, S. Kathryn Allen, Peter G. May 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:** May 1, 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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**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT  
441 4<sup>TH</sup> STREET, N.W.  
SUITE 200-SOUTH  
WASHINGTON, D.C. 20001**

**PUBLIC NOTICE OF CLOSED MEETING**

In accordance with § 405(c) of the Open Meetings Act, D.C. Official Code § 2-575 (c), On April 30, 2013, the Board of Zoning Adjustment voted 4-0-1 to hold closed meetings telephonically on May 6<sup>th</sup> and May 20<sup>th</sup> beginning at 4:00 pm for the purpose of obtaining legal advice from counsel and/or to deliberate upon, but not voting on the cases scheduled to be publicly heard or decided by the Board on the day after each such closed meeting, as those cases are identified on the Board's agendas for May 7<sup>th</sup> and May 21st.

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

**LLOYD J. JORDAN, CHAIRMAN, NICOLE C. SORG, VICE CHAIRPERSON, S. KATHRYN ALLEN, JEFFREY L. HINKLE AND A MEMBER OF THE ZONING COMMISSION ----- BOARD OF ZONING ADJUSTMENT, CLIFFORD W. MOY, SECRETARY TO THE BZA, SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING.**

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 12-19**  
**Z.C. Case No. 12-19**  
**Capitol Riverfront Hotel, LLC**  
**(Capitol Gateway Overlay Review @ Square 701, Lots 818, 821, 825, 826 & 827)**  
**December 3, 2012**

Pursuant to notice, the Zoning Commission of the District of Columbia (the "Commission") held a public hearing on December 3, 2012, to consider an application filed by Capital Riverfront Hotel, LLC (the "Applicant"), on behalf of the Welch Family Limited Partnership Twelve (owner of Lot 818 in Square 701), the Welch Family Limited Partnership Six (owner of Lots 821, 825, and 827 in Square 701), and the Welch Family Limited Partnership Three (owner of Lot 826 in Square 701) for review and approval of a new hotel pursuant to §§ 1606 and 1610 of the Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"), which apply to new construction on any lot that abuts First Street, S.E. south of M Street, S.E., and to properties within Square 701. In addition, pursuant to § 1610.7 of the Zoning Regulations, the Applicant is seeking a special exception from the roof structure requirements and variances from the rear yard and off-street parking requirements. Finally, in order to achieve the necessary density it requires Commission approval pursuant to paragraph (e) of § 1602.1. The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the application.

**FINDINGS OF FACT**

1. On September 13, 2012, the Applicant filed an application for review and approval of a new hotel pursuant to §§ 1606 and 1610 of the Zoning Regulations, which apply to new construction on any lot that abuts First Street, S.E. south of M Street, S.E. The subject property includes Lots 818, 821, 825, 826, and 827 in Square 701 and covers approximately 8,964 square feet of land area. The subject property is located within the CR Zone District and also falls within the Capitol Gateway ("CG") Overlay District. Square 701 is bounded by M Street on the north, First Street on the east, N Street on the south, and Half Street on the west in southeast Washington, D.C. The subject property is generally located in the southeast portion of Square 701 and has approximately 58.08 linear feet of frontage along First Street, S.E. and 50.17 feet of frontage along N Street, N.E. National's Park ballpark is to the immediate south of the subject property, across N Street, S.E.
2. The Applicant filed a prehearing submission in support of the application on November 9, 2012 (the "Prehearing Submission"). (Exhibit ["Ex."] 12.) The Prehearing Submission included resumes of the expert witnesses and Updated Architectural Plans and Elevations.
3. After proper notice, the Commission held a hearing on the application on December 3, 2012. Parties to the case included the Applicant and Advisory Neighborhood Commission ("ANC") 6D, the ANC within which the subject property is located.

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4. At its duly noticed meeting on November 19, 2012, ANC 6D voted 6-0 to recommend that the Commission approve the proposed hotel and the requested special exception and variance relief, and submitted a report to the Commission, dated November 23, 2012, which is discussed more fully below. (Ex. 16.)
5. Expert witnesses appearing on behalf of the Applicant included Domenic Giordano, AIA of BBG-BBGM (architecture and design), Erwin N. Andres, P.E., of Gorove/Slade Associates, Inc. (transportation planning and analysis), and Steven E. Sher of Holland & Knight, LLP (land use and zoning).
6. At the conclusion of the public hearing on December 3, 2012, the Commission took final action to approve the application. The Commission determined that the project satisfies all applicable requirements of the CG Overlay District and meets the requirements for the requested special exception and variance relief.
7. On December 20, 2012, the Applicant submitted a proposed order and a final, consolidated set of Final Architectural and Elevations, dated December 3, 2012. (Ex. 20, 21.)

### Project Overview

8. The Applicant intends to construct a hotel on the subject property. The proposed hotel will have a height of 130 feet and an overall density of up to 9.5 floor area ratio ("FAR").
9. The CG Overlay encourages development of a variety of support and visitor-related uses, specifically noting hotels and inns as preferred uses. This hotel will contain 167 (plus or minus 10%) guestrooms including traditional style guestrooms and suites to accommodate extended visitor stays and group gatherings. The proposed height and bulk are designed to complement the approved development immediately to the north of the subject property, continuing the same urban development pattern established for Square 701 while using different materials and colors to provide variety in the urban fabric. The hotel integrates a balanced solid-to-glass ratio and uses a dark rain screen panel to create a distinct building within the overall massing of the block. Following from the unusual shape of the lot, the building is envisioned as two masses set askew to each other, joined by a glass connection and visible from all sides avoiding what might otherwise be blank party walls.
10. All public areas of the hotel will occur on the ground floor with prominent exposure to First Street, S.E. in support of the CG Overlay emphasis on creating an active pedestrian-oriented street between the National's Park ballpark, the Metro Station (on the north end of this block) and existing residential neighborhoods to the north. The ground floor areas are high ceiling spaces with nearly wall-to-wall and floor-to-floor glass to enhance the indoor to outdoor connection, inviting guest and pedestrian interaction. The streetscape

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will include scored concrete paving, street trees and planters along the property frontage on both First Street and N Street, S.E. to continue the theme set for the majority of the public space along First Street, S.E. with a specialty granite paving from the primary entrance to the curb on First Street, S.E.

11. The proposed building will also include the required loading berth, service/delivery space, and loading platform. These facilities will comply with all applicable requirements of Chapter 22 of the Zoning Regulations.

#### **Description of the Surrounding Area**

12. The subject property is located within Square 701, which is bounded by M Street on the north, First Street on the east, N Street on the south, and Half Street on the west in southeast Washington, D.C. The subject property is generally located in the southeast portion of Square 701 and has approximately 58.08 linear feet of frontage along First Street, S.E. and 50.17 feet of frontage along N Street, N.E. National's Park ballpark is to the immediate south of the subject property, across N Street, S.E.
13. Although much of the surrounding property is currently vacant or underutilized, the area is quickly becoming a magnet for both public and private investment due to its proximity to the Anacostia Waterfront, the Southeast Federal Center, and the National's Park ballpark.
14. The site is zoned CR/CG (Commercial Residential/Capitol Gateway Overlay), as are all the adjacent properties south of M Street and west of First Street. East of First Street the properties are zoned CR/SEFC (Southeast Federal Capital Overlay), and on the north side of M Street properties are zoned C-3-C/CG.

#### **Capitol Gateway Overlay District Design Requirements**

##### The Project Meets the Requirements of § 1606

15. The proposed project is subject to the requirements of § 1606 of the Zoning Regulations because the new building will have frontage on First Street, S.E. south of M Street, S.E. within the CG Overlay District and includes property located within Square 701. The Commission finds that the proposed hotel meets the requirements of § 1606.
16. As shown in the Final Architectural Plans and Elevations, not less than 75% of the gross floor area of the proposed building is devoted to hotel uses, which is specifically listed as a permitted use in §§ 721.1 and 701.6(d) of the Zoning Regulations. (§ 1606.2.)



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17. As shown in the Final Architectural Plans and Elevations, 100% of the building's street frontage along First Street, S.E. is devoted to hotel use, except for space devoted to building entrances or required to be devoted to fire control. (§ 1606.3.)
18. The proposed building will provide a minimum floor-to-ceiling clear height of 14 feet on the ground floor. (§ 1606.4.)

The Project Meets the Requirements of § 1610

19. Subsections 1610.1(c), 1610.1(f), and 1610.2 of the Zoning Regulations provide that new construction on a lot located within Square 700 or 701, north of the ballpark site, or any lot that is the recipient of density through the combined lot provisions of § 1602, require the review and approval of the Commission. Subsection 1610.3 of the CG Overlay provisions provides that in addition to demonstrating that the proposed building meets the standards set forth in § 3104 of the Zoning Regulations, an applicant requesting approval under the CG Overlay provisions must also prove that the proposed building meets the requirements of §§ 1610.3 (a) through 1610.3(f). Subsection 3104.1 of the Zoning Regulations provides that special exceptions should be granted when "the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps." (11 DCMR § 3104.1.)
20. Subsection 1610.3 further provides that the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation of the proposed building must comply with the specific requirements set forth in that section, and must help achieve the objectives of the CG Overlay District as set forth in § 1600.2 of the Zoning Regulations. The Commission finds that the proposed building meets the requirements of § 1610 and is consistent with all of the applicable purposes of the CG Overlay.
21. The height, bulk, and design of the proposed building are consistent with the Zoning Regulations and with the property's designation on the Future Land Use Map. (§ 1600.2(a).)
22. The proposed building will include 85,196 square feet of space devoted to hotel use. (§ 1600.2(b).)
23. The CG Overlay encourages development of a variety of support and visitor-related uses, specifically noting hotels as a preferred use. This hotel will contain 167 (plus or minus 10%) guestrooms including traditional style guestrooms as well as suites to accommodate longer visitor stays and group gatherings. All public areas of the hotel will occur on the ground floor with prominent exposure to First Street, S.E., in support of the CG Overlay emphasis on creating an active pedestrian-oriented street between the National's Park

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- ballpark, the Metro Station (on the north end of this block) and existing residential neighborhoods to the north. The ground floor areas are designed to enhance the indoor and outdoor connection, inviting guest and pedestrian interaction. The streetscape will include paving, street trees, and planters along the property frontage on both First Street and N Street, S.E. to continue the theme set for the majority of the public space along First Street S.E. (§ 1600.2(i).)
24. The proposed project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the neighboring property in accordance with the Zoning Regulations and Zoning Map. (§ 1610.3(a).)
  25. As noted above, the proposed building will include 85,196 square feet of space devoted to hotel use which is precisely the type of use identified in § 1600.2(b). (§ 1610.3 (b).)
  26. The height, bulk, and architectural design of the proposed building will be in harmony with the context of the surrounding neighborhood and will have no effect on the existing street grid. (§ 1610.3 (c).)
  27. The proposed building has been sited to minimize conflicts between vehicles and pedestrians. The loading facilities will be accessed from an existing public alley, and the Applicant is not proposing any new curb cuts. In addition, the streetscape will include scored concrete paving, street trees, and planters along the property frontage on both First Street and N Street, S.E. to continue the theme set for the majority of the public space along First Street S.E. with a specialty granite paving from the primary entrance of the curb on First Street, S.E. (§ 1610.3 (d).)
  28. The proposed building's façades have been designed to enhance the streetwall along First Street and N Street. (§ 1610.3 (e).)
  29. The proposed project will be designed with sustainability features including 51 points on the conceptual LEED scorecard, which is equivalent to LEED Silver, and will have no significant adverse impacts on the natural environment. The building will incorporate a number of sustainable design features that do not have general LEED points, such as the green roof and the double-ventilation façades. (§ 1610.3(f).)

The Project Meets the Requirements of Paragraph (e) of §1602.1

30. The proposed building has a density of 9.5 FAR. Ordinarily, a non-residential CG/CR property is limited to the maximum 6.0 FAR<sup>1</sup> of the underlying zone. However, § 1602.1(a) of the CG Overlay permits the transfer of up to 2.5 FAR through a combined

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<sup>1</sup> 7.2 FAR when Inclusionary Zoning is required. (11 DCMR §1601.1.)

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lot covenant to any CG/CR parcel for which a height of 130 feet is permitted by the Height Act. In addition, § 1602.1 (e) provides that “the Zoning Commission may, at its discretion, grant an additional transfer of density of 1.0 FAR maximum to or within Squares 700, 701, and 702, subject to the applicant addressing to the satisfaction of the Zoning Commission the objectives and guidelines of §§ 1601 and 1604-1607, as applicable.”

31. The Commission finds that the Applicant has satisfied the requirement of § 1602.1(e) by showing that the proposed building objectives and guidelines of 11 DCMR §§ 1601 and 1606. The Commission has conditioned its approval of the application on the Applicant demonstrating that it has recorded a combined lot development covenant transferring sufficient nonresidential floor area rights to accomplish 9.5 FAR on the subject property.

#### **Special Exception Relief from the Roof Structure Requirement**

32. The Applicant requested special exception relief to allow multiple roof structures with the roof structures not meeting the setback requirements from each edge of the roof. Under § 411.11, special exception relief from the strict requirements for a roof structure may be granted, where full compliance is "impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area" and would be "unduly restrictive, prohibitively costly, or unreasonable." (11 DCMR § 411.11.) Deviations from the roof structure requirements may be approved if the intent and purpose of Chapter 400 and the Zoning Regulations are not "materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely." *Id.*
33. Special exception approval is required because: (a) there will be multiple roof structures and (b) the structures do not meet the setback requirements from each edge of the roof. Each roof structure is a necessary feature and the structures have to be separated due to the building code requirement to provide separate means of egress for buildings, as well as the desire to break up massing on the roof. The location and number of the structures is driven by the layout and design of the hotel rooms and accessory spaces within the building, as well as the location of necessary building core features, such as stairwells and elevator banks. As shown in the Final Architectural Plans and Elevations, the northern-most enclosure, which has an overall height of 16 feet, incorporates a stairwell, interior mechanical space, an elevator lobby and a screen wall surrounding exterior mechanical equipment. This structure meets the setback requirements from the northern and southern edges of the roof, which are party walls, and from the eastern edge of the roof. However, setback relief is required from the western edge of the roof on the court facing the alley, as shown on Sheet 16 of the Final Architectural Plans and Elevations. (Ex. 21.)
34. The elevator is required to go to the roof of the building to provide handicapped access to the roof deck and ancillary amenity space. However, due to the narrowness of the subject

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property and hence the roof at this portion of the building, the elevator enclosure is located such that the enclosure cannot meet the setback requirement along the western edge of the roof adjacent to an interior courtyard.

35. The second roof structure encloses toilets, a stairwell, a fan enclosure, and storage. These features are necessary due to ADA and building code requirements. This structure has an overall height of 10 feet and meets the setback requirements from the east, south, and west (party wall) edges of the roof. However, relief is required because the enclosure does not meet the setback requirements along the northern edge of the roof, which is also adjacent to a courtyard facing the alley.
36. The Commission finds that the Applicant designed the roof structures to have walls of unequal height in order to help reduce the visibility of the structures. In addition, the Applicant is providing the greatest setbacks possible given the size and dimensions of the roof and the internal configuration of the proposed building. The roof structure location and design will not adversely impact the light and air of adjacent buildings since each element has been located to minimize its visibility. Therefore, the Commission finds that the intent and purposes of the Zoning Regulations will not be materially impaired and the light and air of adjacent buildings will not be adversely affected.
37. This application was referred to the Office of Planning ("OP") and the District Department of Transportation ("DDOT") for review. (§ 774.6.) OP and DDOT reports and recommendations are discussed below.

### **Variance Relief**

38. The Applicant is seeking a variance from the off-street parking requirements of § 2101.1 and a variance from the rear yard requirements of § 636. Under D.C. Official Code § 6-641.07(g)(3) and 11 DCMR § 3103.2, the Commission is authorized to grant an area variance where it finds that three conditions exist:
  - (a) The property is unusual because of its size, shape or topography or other extraordinary or exceptional situation or condition;
  - (b) The owner would encounter practical difficulties if the Zoning Regulations were strictly applied; and
  - (c) The variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Maps.

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39. The Commission finds that the subject property and development of the hotel project with the variances requested meet all three prongs of this test. Thus, the Applicant has met its burden of proof for the requested area variances in this case.

#### **Exceptional Conditions or Situations**

40. The Commission finds that the subject property is affected by several exceptional conditions due to its unique shape and size. First, the subject property is an irregularly shaped lot, with a total of 10 sides, ranging from 96 feet to approximately eight feet. The subject property has approximately 58.08 linear feet of frontage along First Street, S.E. with the property extending west approximately 80 feet, and 50.17 feet of frontage along N Street, S.E., with the property then extending north approximately 96 feet. Second, the subject property is bounded by a public alley and private property and thus cannot be squared-off or subdivided. Third, the subject property is small in size, having only 8,964 feet of lot area. All privately owned property abutting the subject property either has received or has a pending application for approval to develop its site, and thus there is no opportunity for the Applicant to expand or reconfigure the subject property.

#### **Strict Application of the Zoning Regulations Would Result in a Practical Difficulty**

##### Off-Street Parking Requirements of § 2101.1

41. The Commission finds that the strict application of the off-street parking requirements in this case would result in a practical difficulty to the Applicant. Section 2101 of the Zoning Regulations requires that a hotel in the CR Zone District provide parking based on the total rooms for sleeping (one space for each four rooms usable for sleeping) and total floor area (one space for each 300 square feet of floor area in either the largest function room or the largest exhibit space), whichever is greater. The proposed hotel would require 44 parking spaces under § 2101. However, § 2104.1 of the Zoning Regulation provides that the number of parking spaces required for a nonresidential building or structure shall be 75% of the amount otherwise ordinarily required under § 2101.1 if the building is located within a radius of 800 hundred feet of a Metrorail station entrance, and: (a) the building is located in a nonresidential district and located at least 800 feet from any R-1, R-2, R-3, or R-4 Zone District; and (b) the Metrorail station is currently in operation or is one for which a construction contract has been awarded. In this case, the Applicant meets the requirements of § 2104.1. Thus, only 33 parking spaces are required for this development.
42. The Commission finds that given the irregular shape of the subject property, its small size, and the configuration of the public alley to the west of the subject property, combined with DDOT's policy of limiting new curb cuts for sites with alley access, the project is not able to include any off-street parking spaces. The only location to provide vehicular access to the subject property is from the public alley to the west of the subject

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property. However, due to the subject property's dimensions at this portion of the site, it would be practically difficult to construct the required below-grade parking spaces and to comply with all of the applicable parking size, turning, and access requirements in §§ 2115, 2116, and 2117 of the Zoning Regulations.

43. For example, due to the dimensions of the subject property, it is impractical to construct a ramp in the available area which could meet the maximum recommended ramp slope of 12% and the ramp minimum width of 14 feet, and also provide an adequate number of parking spaces per level. In addition, once a vehicle reaches the foot of the theoretical ramp, the resulting amount of accessibility and maneuvering space would not meet the requirements of the Zoning Regulations, while still providing enough parking spaces per level.
44. The Commission further finds that even if below-grade parking could be provided, due to the site's size and dimensions, the Applicant would not be able to provide occupied space along either First Street or N Street, would not be able to build 18 of the proposed guest rooms, and would have to construct five levels of below-grade parking in order to provide the required 33 parking spaces. Finally, despite the fact that so few spaces could be provided in the below-grade parking garage due to the small size and dimensions of the site, the costs associated with the construction of multiple below-grade levels, including sheeting and shoring, underpinning, and dewatering, among other costs, would be prohibitive for this development.

#### Rear Yard Requirement of § 636

45. The Commission finds that the strict application of the rear yard regulations will result in a practical difficulty. Subsection 636.1 of the Zoning Regulations provides that a rear yard is required for each residential building or structure in the CR Zone District, and the term "residential" is defined in § 636.6 of the Zoning Regulations to include hotel uses. When the hotel use begins above grade, the minimum depth of rear yard shall be three inches per foot of vertical distance from the horizontal plane upon which the residential use begins to the highest point of the main roof, but not less than 12 feet. (11 DCMR § 636.3.) Thus, a 28-foot rear yard is required under § 636. However, the Applicant's proposal does not include a rear yard. Furthermore, the Commission notes that no rear yard is required for commercial buildings in the CR Zone District and so if the proposed building were an office building no relief would be required and the office building could have the same footprint as the proposed hotel with no rear yard relief required.
46. The Commission finds that it would be practically difficult for the Applicant to comply with the rear yard requirements in this case. As a corner lot, either First Street or N Street can be considered as the "front" for the purposes of determining the location of the rear yard. Given the irregular shape of the lot and the methodology for calculating rear yards for irregularly shaped lots, designating N Street as the "front" would require a 32'-7"

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wide gap along the street frontage on First Street, running for the full 80 foot depth at this portion of the lot, and would leave only approximately 25'-4" to be developed. Similarly, designating First Street as the "front" would require a 31'-8" wide gap along the street frontage on N Street, running a total depth of approximately 130 feet at this portion of the lot, and would leave only approximately 18'-4" to be developed. Moreover, the provision of the rear yard setback along First Street or N Street would result in the loss of approximately 21,014 square feet of hotel use in the building and would render it infeasible to construct any reasonable hotel layout given the limited overall frontage of only approximately 58 feet along First Street and approximately 50 feet along N Street.

47. The proposed project configuration, with two open courts at the northwest portion of the building, provides court areas similar in total volume to the volume of space that would have been provided by a rear yard. Specifically the courts provided include a total volume of approximately 260,262 cubic feet of open space, which is consistent with the volume of space that would be provided if a rear yard were provided. Moreover, sufficient light, air, and ventilation for the proposed guestrooms on the subject property can be achieved without the provision of a rear yard, and the absence of a rear yard does not adversely affect the privacy of either of the proposed adjacent buildings. By providing the interior courts, the guestroom windows are 72'-6" and 50'-3" from the northern property line and 39'-10" from the western property line. However, if a rear yard were provided along either First Street or N Street, the guestroom windows would have much less separation from the adjacent property lines, which would provide less light, air and ventilation than is currently proposed. Finally, the Commission finds that the proposed project, without a rear yard, will continue the streetscape rhythm along First and N Street, and will be consistent with sound urban planning principles as well as specific goals of the CG Overlay District.

#### **No Harm to the Public Good or Zone Plan**

48. The Commission finds there will be no substantial detriment to the public good and no substantial impairment to the intent, purpose and integrity of the zone plan by approving the project as proposed. The construction of a new hotel on the subject property will significantly contribute to the vibrancy of the neighborhood while supporting the City's goals for this area. Indeed, the CG Overlay encourages development of a variety of support and visitor-related uses, specifically noting hotels as preferred uses.
49. The Commission finds that the proposed development will include a number of elements designed to promote effective and safe access to the subject property and transportation management measures. For example, as indicated in the letter prepared by Colonial Parking, Colonial Parking operates several commercial parking facilities in close proximity to the subject property with an aggregate supply of 1,550 parking spaces. (Ex. 4D.) The hotel will include a valet service for hotel patrons. The valet operator will manage the patron loading area in front of the hotel on First Street to ensure the expedient

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flow of patrons arriving and departing from the hotel, and to minimize any disruption to the traffic flow along First Street.

50. Further, the Commission finds that the subject property is well-served by a number of bus routes along M Street and South Capitol Street and is in close proximity to the Navy Yard Metrorail station. In addition, according to Walkscore.com, which measures the walkability and transit access of properties, the subject property is rated as "Very Walkable" and scores 82 points out of a possible 100. Moreover, car-sharing is provided by Zipcar and Car2Go and there are numerous locations within blocks of the subject property. There are also four Capital Bikeshare stations located within a half-mile radius of the subject property. Thus, the existing transit access to the Site and the Site's convenient urban location will result in significant utilization of transit and pedestrian modes of transportation, resulting in a decrease in the number of vehicle trips that would otherwise be generated, or the number of off-street parking spaces that would be needed, if the property were not in such close proximity to public transportation options.
51. Further, the Commission finds there will be no substantial detriment to the public good if this building is constructed without a rear yard. The proposed project configuration, with two open courts at the northwest portion of the building, provides court areas similar in total volume to the volume of space that would have been provided by a rear yard. Moreover, sufficient light, air, and ventilation for the guestrooms within the subject building can be achieved without the provision of a rear yard, and the absence of a rear yard does not adversely affect the privacy of either of the adjacent buildings. Finally, the proposed project, without a rear yard, will continue the streetscape rhythm along First Street, and will be consistent with sound urban planning principles as well as specific goals of the CG Overlay District.

#### **Office of Planning Report**

52. By report dated November 23, 2012, OP recommended approval of the application. (Ex. 15.) The report concluded that the proposed development does not require PUD or rezoning approval and is consistent with the Comprehensive Plan and would further the Guiding Principles of the Plan. OP further concluded that the application is consistent with major policies from various elements of the Comprehensive Plan, including the Land Use, Transportation and Economic Development Citywide Elements, and the Lower Anacostia Waterfront/Near Southwest Area Element. OP requested the Applicant investigate a more aggressive green building program and provide improved façade articulation for the north and west walls.
53. The Applicant submitted a revised sheet at the public hearing showing revised north and west facades. The revisions included the addition of gray brick and further articulation of the north and west facades. OP stated at the public hearing that the revised facades addressed



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OP's comments. Thus, the Commission finds that the Applicant has addressed the comments raised by OP.

54. The proposed project will be designed with sustainability features including 51 points on the conceptual LEED scorecard, which is equivalent to LEED Silver, which the Zoning Commission has found to be appropriate in other cases. Furthermore, the project includes a number of sustainable features that do not generate LEED points, such as the green roof and the double-ventilated facades. Thus, the Commission finds that the Applicant has satisfied OP's recommendations regarding the incorporation of sustainable design features into the project.

### **DDOT Report**

55. By report dated November 20, 2012, DDOT recommended approval of the project. (Ex. 14.) DDOT agreed with the assumptions and methodology used in the analysis of the Applicant's Transportation Impact Study, (Ex. 5), and found that the proposed development would not have a negative impact on the transportation network.
56. DDOT stated that construction of below-grade parking and an access ramp would be impractical because of the subject property's constrained dimensions, while parking constructed at or above grade would be detrimental to the objectives of the GC Overlay. In addition, the site is well-served by mass transit. DDOT further stated that, according to the Applicant, a large number of hotel visitors would arrive by cab, making the construction of below-grade parking unnecessary. The Applicant submitted a parking management plan to DDOT, which details the offsite parking strategy, including the 24-hour valet service that will be provided with cars parked at a garage in the vicinity of the hotel. The design also incorporates bicycle parking as well as shower facilities for hotel employees. The surrounding area is bicycle accessible and close to major destinations such as Capitol Hill and downtown.
57. DDOT recommended the Applicant implement the proposed Traffic Demand Management ("TDM") strategies outlined in the Applicant's Transportation Impact Study.
58. The Applicant indicated at the public hearing that it agreed to implement the following TDM measures during the operation of the hotel:
- (a) Transportation Services Coordinator: The Applicant will designate a member of the property management group as the Transportation Services Coordinator who is responsible for coordinating, implementing, and monitoring TDM strategies including developing and distributing informational and promotional brochures to visitors, patrons, and employees regarding transit facilities and services, walk and bicycle facilities and linkages, ridesharing (carpool and vanpool), and car sharing;

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- (b) Walk/Bike to Work Days: The hotel will advertise and hold regular bike to work days for all of its employees on a semi-annual basis;
- (c) Off-Peak Staff Work Schedules: To the extent practical for operation of the hotel, the Applicant will assign hotel staff work schedules that generally occur outside of the peak periods for vehicular traffic and the staff will generally have work schedules between either 7:00 a.m. to 3:00 p.m. or 3:00 p.m. to 11:00 p.m.;
- (d) Employee Transit Incentives: The Applicant will permit all employees to fund a SmarTrip or other transit account with pre-tax dollars from their paycheck in order to encourage transit utilization by both Metrorail and Metrobus;
- (e) TDM Marketing Program: The Transportation Services Coordinator will establish a TDM marketing program that provides detailed transportation information and promotes walking, cycling, and transit, including a multi-modal access guide that provides comprehensive transportation information; and
- (f) Service and Loading Facilities Restrictions: The only on-site loading facility is provided off of Cushing Place on the west side of the development. It will provide access for trash and recycling collection, as well as any necessary deliveries. This loading area would provide service to vehicles of length between 20 and 33 feet. This restriction will be managed through contract restrictions with the hotel and their vendors.

### ANC 6D Report

59. At its duly noticed meeting with a quorum present on November 19, 2012, ANC 6D voted 6-0 to recommend that the Commission approve the proposed hotel and the requested special exception and variance relief. In its report to the Commission, dated November 23, 2012, the ANC stated that the Applicant demonstrated that the project meets the design review requirements of the Capitol Gateway Overlay District provisions set forth in the Zoning Regulations. (Ex. 16.) The ANC also indicated that it believes the Applicant meets the standards for the requested special exception relief from the roof structure requirements and the variances to provide no rear yard and no on-site parking spaces, and that approval of the relief will not have any adverse impacts.

### CONCLUSIONS OF LAW

1. The application was submitted pursuant to 11 DCMR §§ 1606 and 1610 for review and approval by the Commission. The project also required approval under § 1602.1(e) to allow the transfer of additional density required to achieve 9.5 FAR. The application also requested special exception relief from roof structure requirements pursuant to 11 DCMR

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- § 411.11, a variance from the off-street parking requirements of 11 DCMR § 2101.1, and a variance from the rear yard requirement of § 636.
2. The Commission provided proper and timely notice of the public hearing on the application by publication in the *D.C. Register* and by mail to ANC 6D, the Office of Planning, and owners of property within 200 feet of the site.
  3. Pursuant to 11 DCMR §§ 1602.1(e), 1606.1 and 1610.1, the Commission required the Applicant to satisfy all applicable requirements set forth in 11 DCMR § 1606.2 through 1606.6 and § 1610.2 through 1610.7. Pursuant to § 1610.7, the Commission also required the Applicant to meet the requirements for special exception relief set forth in 11 DCMR §§ 411.11 and 3104.1. The Commission concludes that the Applicant has met its burden.
  4. Furthermore, based on the record before the Commission, the Commission concludes that the Applicant has met the burden of proof pursuant to D.C. Official Code § 6-641.07(g)(3) and 11 DCMR § 3103.2 for variances from § 2101.1 (off-street parking requirements) and § 636 (rear yard). The Commission concludes that the Applicant has met all the requirements for the variances requested.
  5. The proposed development is within the applicable height, bulk, and (provided the Applicant allocates sufficient density through a combined lot development) density standards for the CR/CG (Commercial Residential/Capitol Gateway Overlay) District and will not tend to affect adversely the use of neighboring property. The overall project is also in harmony with the general intent and purpose of the Zoning Regulations and Map.
  6. The requested relief from requirements for a roof structure and for the variances for off-street parking and the rear yard are in harmony with the general intent and purpose of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property.
  7. There will be no substantial detriment to the public good and no substantial impairment to the intent, purpose and integrity of the zone plan by approving the project as proposed. The construction of the proposed hotel on the subject property supports the City's goals for this area and is not inconsistent with the Comprehensive Plan.
  8. The Commission concludes that the proposed project will further the objectives of the CG Overlay District as set forth in § 1600.2 and will promote the desired mix of uses set forth therein. The design of the proposed building meets the purposes of the Capitol Gateway Overlay and meets the specific design requirements of § 1604 of the Zoning Regulations.
  9. No person or parties appeared at the public hearing in opposition to the application.

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10. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to issues and concerns raised in the affected ANC's written recommendation. Great weight requires the acknowledgement of the ANC as the source of the recommendations and explicit reference to each of the ANC's concerns. The written rationale for the decision must articulate with precision why the ANC does or does not offer persuasive evidence under the circumstances. In doing so, the Commission must articulate specific findings and conclusions with respect to each issue and concern raised by the ANC. (D.C. Official Code § 1-309.10(d)(3)(A) and (B).) The ANC voted 6-0-0 in support of the proposed project and submitted its report supporting the project on November 23, 2012. The report stated that the ANC believed the project met the standards for all the requested zoning relief, and the relief will not have any adverse impacts. The Commission concurs with the ANC's advice and has given its report the great weight it is entitled to receive.
11. Based upon the record before the Commission, including witness testimony, the reports submitted by the Office of Planning, DDOT, and ANC 6D, and the Applicant's submissions, the Commission concludes that the Applicant has met the burden of satisfying the applicable standards under 11 DCMR §§ 1602.1(e), 1606, and 1610, as well as the independent burden for the requested special exception relief under 11 DCMR §§ 1610.7 and 3104.1, and the requirements for the variances requested under D.C. Official Code § 6-641.07(g)(3) and 11 DCMR § 3103.2.

### DECISION

In consideration of the above Findings of Fact and Conclusions of Law, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the application consistent with this Order. This approval is subject to the following guidelines, standards, and conditions:

1. The approval of the proposed development shall apply to Lots 818, 821, 825, 826, and 827 in Square 701.
2. The project shall be built in accordance with the Final Architectural Plans and Elevations dated December 3, 2012, marked as Exhibit 21 of the record of this case, as modified by the guidelines, conditions, and standards below.
3. The Applicant shall demonstrate to the Zoning Administrator at the time it applies for a building permit that it has recorded a combined lot development covenant transferring a sufficient amount of nonresidential floor area rights to accomplish 9.5 FAR on the subject property.
4. The overall density on the site shall not exceed 9.5 FAR as permitted pursuant to § 1602 of the Zoning Regulations, and pursuant to the Zoning Commission's approval of this

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application. The distribution of uses and densities shall be as shown on Sheet 3 of the Final Architectural Plans and Elevations.

5. Except for roof structures, the maximum height of the new building shall not exceed 130 feet. Roof structures shall be constructed in accordance with Sheets 15-16 of the Final Architectural Plans and Elevations.
6. The landscape treatment shall be in accordance with Sheet 27 of the Final Architectural Plans and Elevations.
7. The proposed building will provide a minimum floor-to-ceiling clear height of 14 feet on the ground floor of the building in accordance with the requirements of the CG Overlay District.
8. One loading berth at 30 feet and one service/delivery loading space at 20 feet shall be provided for the proposed building.
9. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.1 *et seq.* (the "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 and 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 that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violations will be subject to disciplinary action. The failure or refusal of the Applicant to comply with the Act shall furnish grounds for the denial or, if issued, the revocation of any building permits or certificates of occupancy issued pursuant to this Order.

On December 3, 2012, upon the motion of Commissioner May, as seconded by Commissioner Miller, the Zoning Commission **ADOPTED** this Order at the conclusion of its public hearing by a vote of **4-0-1** (Anthony J. Hood, Peter G. May, Robert E. Miller, and Michael G. Turnbull to adopt; Marcie I. Cohen, not present, not voting).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*, that is on May 10, 2013.

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