

***District of Columbia*****REGISTER****HIGHLIGHTS**

- DC Council passes Law L19-184, Taxicab Service Improvement Amendment Act of 2012
- DC Council schedules a public roundtable on motor vehicle fuel tax in the District of Columbia
- Department of Human Services establishes administrative rules for the Family Re-Housing and Stabilization Program
- Office of the State Superintendent of Education solicits proposals for the Community Schools Incentive Initiative
- Department of Health announces funding availability for the Effi Barry HIV/AIDS Capacity Building Program
- DC Public Charter School Board releases the list of approved new charter school applications for 2013

The May 31, 2013 DC Register has two parts. Refer to Volume 60 - No. 24 - Part 2 to review the second proposed rulemaking for the District of Columbia Construction Codes Supplement of 2013.

# DISTRICT OF COLUMBIA REGISTER

## Publication Authority and Policy

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

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The deadline for receiving documents from the District of Columbia Agencies, Boards, Commissions, and Public Charter schools is TUESDAY, NOON of the week of publication. The deadline for receiving documents from the District of Columbia Council is WEDNESDAY, NOON of the week of publication. If an official District government holiday falls on Monday or Friday, the deadline for receiving documents remains the same as outlined above. If an official District government holiday falls on Tuesday, Wednesday or Thursday, the deadline for receiving documents is one day earlier from the deadlines outlined above.

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Except in the case of emergency rules, no rule or document of general applicability and legal effect shall become effective until it is published in the *D.C. Register*. Publication creates a rebuttable legal presumption that a document has been duly issued, prescribed, adopted, or enacted and that the document complies with the requirements of the *District of Columbia Documents Act* and the *District of Columbia Administrative Procedure Act*. The Administrator of the Office of Documents hereby certifies that this issue of the *D.C. Register* contains all documents required to be published under the provisions of the *District of Columbia Documents Act*.

## DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

441 4<sup>th</sup> STREET - SUITE 520 SOUTH - ONE JUDICIARY SQ. - WASHINGTON, D.C. 20001 - (202) 727-5090

VINCENT C. GRAY  
MAYOR

VICTOR L. REID, ESQ.  
ADMINISTRATOR

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## COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

## D.C. LAW 19-169

**"People First Respectful Language  
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Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 19-189 on first and second readings March 6, 2012 and April 17, 2012, respectively. Following the signature of the Mayor on May 15, 2012, pursuant to Section 404(e) of the Charter, the bill became Act 19-361 and was published in the May 25, 2012 edition of the D.C. Register (Vol. 59, page 5567). Act 19-361 was transmitted to Congress on May 24, 2012 for a 60-day review, in accordance with Section 602(c)(2) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional review period has ended, and Act 19-361 is now D.C. Law 19-169, effective September 26, 2012.



PHIL MENDELSON  
Chairman of the Council

Days Counted During the 60-day Congressional Review Period:

May 24,25,29,30,31  
June 1,4,5,6,7,8,11,12,13,14,15,18,19,20,21,22,25,26,27,28,29  
July 9,10,11,12,13,16,17,18,19,20,23,24,25,26,27,30,31  
Aug 1,2,3,6,7  
Sept 10,11,12,13,14,17,18,19,20,21,24,25

## COUNCIL OF THE DISTRICT OF COLUMBIA


## NOTICE

## D.C. LAW 19-170

**"Firearms Amendment Act of 2012"**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 19-614 on first and second readings March 6, 2012 and April 17, 2012, respectively. Following the signature of the Mayor on May 15, 2012, pursuant to Section 404(e) of the Charter, the bill became Act 19-366 and was published in the May 25, 2012 edition of the D.C. Register (Vol. 59, page 5691). Act 19-366 was transmitted to Congress on May 24, 2012 for a 60-day review, in accordance with Section 602(c)(2) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional review period has ended, and Act 19-366 is now D.C. Law 19-170, effective September 26, 2012.



PHIL MENDELSON  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 24,25,29,30,31  
June 1,4,5,6,7,8,11,12,13,14,15,18,19,20,21,22,25,26,27,28,29  
July 9,10,11,12,13,16,17,18,19,20,23,24,25,26,27,30,31  
Aug 1,2,3,6,7  
Sept. 10,11,12,13,14,17,18,19,20,21,24,25

## COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

## D.C. LAW 19-171

**"Technical Amendments Act of 2012"**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 19-397 on first and second readings March 20, 2012 and April 17, 2012, respectively. Following the signature of the Mayor on May 23, 2012, pursuant to Section 404(e) of the Charter, the bill became Act 19-376 and was published in the June 1, 2012 edition of the D.C. Register (Vol. 59, page 6190). Act 19-376 was transmitted to Congress on May 24, 2012 for a 60-day review, in accordance with Section 602(c)(2) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional review period has ended, and Act 19-376 is now D.C. Law 19-171, effective September 26, 2012.



PHIL MENDELSON  
Chairman of the Council

Days Counted During the 60-day Congressional Review Period:

May 24,25,29,30,31  
June 1,4,5,6,7,8,11,12,13,14,15,18,19,20,21,22,25,26,27,28,29  
July 9,10,11,12,13,16,17,18,19,20,23,24,25,26,27,30,31  
Aug 1,2,3,6,7  
Sept. 10,11,12,13,14,17,18,19,20,21,24,25

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 19-172

"Fiscal Year 2012 Second Revised Budget Request  
Temporary Adjustment Act of 2012"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 19-761 on first and second readings June 5, 2012 and July 10, 2012, respectively. Following the signature of the Mayor on July 17, 2012, pursuant to Section 404(e) of the Charter, the bill became Act 19-396 and was published in the July 27, 2012 edition of the D.C. Register (Vol. 59, page 8705). Act 19-396 was transmitted to Congress on July 25, 2012 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 19-396 is now D.C. Law 19-172, effective October 9, 2012.

  
PHIL MENDELSON  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

- July 25,26,27,30,31
- Aug 1,2,3,6,7
- Sept. 10,11,12,13,14,17,18,19,20,21,24,25,26,27,28
- Oct. 1,2,3,4,5

## COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

## D.C. LAW 19-173

**"Saving D.C. Homes from Foreclosure Enhanced  
Temporary Amendment Act of 2012"**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 19-786 on first and second readings June 5, 2012 and July 10, 2012, respectively. Following the signature of the Mayor on July 18, 2012, pursuant to Section 404(e) of the Charter, the bill became Act 19-397 and was published in the July 27, 2012 edition of the D.C. Register (Vol. 59, page 8709). Act 19-397 was transmitted to Congress on July 25, 2012 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 19-397 is now D.C. Law 19-173, effective October 9, 2012.



PHIL MENDELSON  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

July 25,26,27,30,31  
Aug 1,2,3,6,7  
Sept. 10,11,12,13,14,17,18,19,20,21,24,25,26,27,28  
Oct. 1,2,3,4,5

COUNCIL OF THE DISTRICT OF COLUMBIA  
NOTICE

D.C. LAW 19-174

"Social E-Commerce Job Creation Tax Incentive Act of 2012"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 19-755 on first and second readings June 26, 2012 and July 10, 2012, respectively. Following the signature of the Mayor on July 19, 2012, pursuant to Section 404(e) of the Charter, the bill became Act 19-398 and was published in the July 27, 2012 edition of the D.C. Register (Vol. 59, page 8712). Act 19-398 was transmitted to Congress on July 25, 2012 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 19-398 is now D.C. Law 19-174, effective October 9, 2012.



PHIL MENDELSON  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

- July 25,26,27,30,31
- Aug 1,2,3,6,7
- Sept. 10,11,12,13,14,17,18,19,20,21,24,25,26,27,28
- Oct. 1,2,3,4,5

## COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

## D.C. LAW 19-175

**"Walter Reed Army Medical Center Base Realignment and  
Closure Homeless Assistance Submission Approval Act of 2012"**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 19-729 on first and second readings June 26, 2012 and July 10, 2012, respectively. Following the signature of the Mayor on July 24, 2012, pursuant to Section 404(e) of the Charter, the bill became Act 19-399 and was published in the August 3, 2012 edition of the D.C. Register (Vol. 59, page 9106). Act 19-399 was transmitted to Congress on August 1, 2012 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 19-399 is now D.C. Law 19-175, effective October 16, 2012.



PHIL MENDELSON  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Aug. 1,2,3,6,7

Sept. 10,11,12,13,14,17,18,19,20,21,24,25,26,27,28

Oct. 1,2,3,4,5,9,10,11,12,15

## COUNCIL OF THE DISTRICT OF COLUMBIA


## NOTICE

## D.C. LAW 19-176

**"Heat Wave Safety Temporary Amendment Act of 2012"**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 19-822 on first and second readings June 26, 2012 and July 10, 2012, respectively. Following the signature of the Mayor on July 24, 2012, pursuant to Section 404(e) of the Charter, the bill became Act 19-400 and was published in the August 3, 2012 edition of the D.C. Register (Vol. 59, page 9110). Act 19-400 was transmitted to Congress on August 1, 2012 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 19-400 is now D.C. Law 19-176, effective October 16, 2012.



PHIL MENDELSON  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Aug. 1,2,3,6,7

Sept. 10,11,12,13,14,17,18,19,20,21,24,25,26,27,28

Oct. 1,2,3,4,5,9,10,11,12,15



COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 19-177

"Wrong Death Act of 2012"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 19-717 on first and second readings June 26, 2012 and July 10, 2012, respectively. Following the signature of the Mayor on July 25, 2012, pursuant to Section 404(e) of the Charter, the bill became Act 19-416 and was published in the August 10, 2012 edition of the D.C. Register (Vol. 59, page 9353). Act 19-416 was transmitted to Congress on August 7, 2012 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 19-416 is now D.C. Law 19-177, effective October 22, 2012.



PHIL MENDELSON  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

- Aug 7
- Sept. 10,11,12,13,14,17,18,19,20,21,24,25,26,27,28
- Oct. 1,2,3,4,5,9,10,11,12,15,16,17,18,19

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 19-178

"8th Street Plaza Condominium Association, Inc. Clarification Act of 2012"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 19-634 on first and second readings June 26, 2012 and July 10, 2012, respectively. Following the signature of the Mayor on July 27, 2012, pursuant to Section 404(e) of the Charter, the bill became Act 19-431 and was published in the August 10, 2012 edition of the D.C. Register (Vol. 59, page 9416). Act 19-431 was transmitted to Congress on August 7, 2012 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 19-431 is now D.C. Law 19-178, effective October 22, 2012.



PHIL MENDELSON  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

- Aug. 7
- Sept. 10,11,12,13,14,17,18,19,20,21,24,25,26,27,28
- Oct. 1,2,3,4,5,9,10,11,12,15,16,17,18,19

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 19-179

"Closing of Public Alleys in Square 901,  
S.O. 11-5228, Act of 2012"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 19-640 on first and second readings June 26, 2012 and July 10, 2012, respectively. Following the signature of the Mayor on July 30, 2012, pursuant to Section 404(e) of the Charter, the bill became Act 19-432 and was published in the August 10, 2012 edition of the D.C. Register (Vol. 59, page 9419). Act 19-432 was transmitted to Congress on August 7, 2012 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 19-432 is now D.C. Law 19-179, effective October 22, 2012.



PHIL MENDELSON  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

- Aug 7
- Sept. 10,11,12,13,14,17,18,19,20,21,24,25,26,27,28
- Oct. 1,2,3,4,5,9,10,11,12,15,16,17,18,19

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 19-180

"Downtown BID Amendment Act of 2012"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 19-764 on first and second readings June 26, 2012 and July 10, 2012, respectively. Following the signature of the Mayor on July 27, 2012, pursuant to Section 404(e) of the Charter, the bill became Act 19-433 and was published in the August 10, 2012 edition of the D.C. Register (Vol. 59, page 9421). Act 19-433 was transmitted to Congress on August 7, 2012 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 19-433 is now D.C. Law 19-180, effective October 22, 2012.

  
PHIL MENDELSON  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

- Aug 7
- Sept. 10,11,12,13,14,17,18,19,20,21,24,25,26,27,28
- Oct. 1,2,3,4,5,9,10,11,12,15,16,17,18,19

## COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

## D.C. LAW 19-181

**"Sign Regulation Temporary Amendment Act of 2012"**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 19-818 on first and second readings June 26, 2012 and July 10, 2012, respectively. Following the signature of the Mayor on July 27, 2012, pursuant to Section 404(e) of the Charter, the bill became Act 19-434 and was published in the August 10, 2012 edition of the D.C. Register (Vol. 59, page 9423). Act 19-434 was transmitted to Congress on August 7, 2012 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 19-434 is now D.C. Law 19-181, effective October 22, 2012.



PHIL MENDELSON  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Aug 7  
Sept. 10,11,12,13,14,17,18,19,20,21,24,25,26,27,28  
Oct. 1,2,3,4,5,9,10,11,12,15,16,17,18,19

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 19-182

"Residential Parking Protection Amendment Act of 2012"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 19-217 on first and second readings June 26, 2012 and July 10, 2012, respectively. Following the signature of the Mayor on August 2, 2012, pursuant to Section 404(e) of the Charter, the bill became Act 19-435 and was published in the August 10, 2012 edition of the D.C. Register (Vol. 59, page 9427). Act 19-435 was transmitted to Congress on August 7, 2012 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 19-435 is now D.C. Law 19-182, effective October 22, 2012.



PHIL MENDELSON  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

- Aug 7
- Sept. 10,11,12,13,14,17,18,19,20,21,24,25,26,27,28
- Oct. 1,2,3,4,5,9,10,11,12,15,16,17,18,19

## COUNCIL OF THE DISTRICT OF COLUMBIA


## NOTICE

## D.C. LAW 19-183

**"Criminal Penalty for Unregistered  
Motorist Repeal Amendment Act of 2012"**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 19-552 on first and second readings June 26, 2012 and July 10, 2012, respectively. Following the signature of the Mayor on July 31, 2012, pursuant to Section 404(e) of the Charter, the bill became Act 19-436 and was published in the August 10, 2012 edition of the D.C. Register (Vol. 59, page 9429). Act 19-436 was transmitted to Congress on August 7, 2012 for a 30-day review, in accordance with Section 602©)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 19-436 is now D.C. Law 19-183, effective October 22, 2012.



PHIL MENDELSON  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Aug 7  
Sept. 10,11,12,13,14,17,18,19,20,21,24,25,26,27,28  
Oct. 1,2,3,4,5,9,10,11,12,15,16,17,18,19

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 19-184

"Taxicab Service Improvement Amendment Act of 2012"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 19-630 on first and second readings June 5, 2012 and July 10, 2012, respectively. Following the signature of the Mayor on August 2, 2012, pursuant to Section 404(e) of the Charter, the bill became Act 19-437 and was published in the August 10, 2012 edition of the D.C. Register (Vol. 59, page 9431). Act 19-437 was transmitted to Congress on August 7, 2012 for a 30-day review, in accordance with Section 602©)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 19-437 is now D.C. Law 19-184, effective October 22, 2012.



PHIL MENDELSON  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

- Aug 7
- Sept. 10,11,12,13,14,17,18,19,20,21,24,25,26,27,28
- Oct. 1,2,3,4,5,9,10,11,12,15,16,17,18,19



## COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

## D.C. LAW 19-185

**"Collaborative Care Expansion Amendment Act of 2012"**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 19-657 on first and second readings June 5, 2012 and July 10, 2012, respectively. Following the signature of the Mayor on July 31, 2012, pursuant to Section 404(e) of the Charter, the bill became Act 19-438 and was published in the August 10, 2012 edition of the D.C. Register (Vol. 59, page 9454). Act 19-438 was transmitted to Congress on August 7, 2012 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 19-438 is now D.C. Law 19-185, effective October 22, 2012.



PHIL MENDELSON  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Aug 7  
Sept. 10,11,12,13,14,17,18,19,20,21,24,25,26,27,28  
Oct. 1,2,3,4,5,9,10,11,12,15,16,17,18,19

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-74

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 23, 2013

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To adjust, on an emergency basis, certain allocations requested in the Fiscal Year 2013 Budget Request Act pursuant to the Omnibus Appropriations Act, 2009.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2013 Revised Budget Request Emergency Adjustment Act of 2013".

Sec. 2. Pursuant to sections 816 and 817 of the Omnibus Appropriations Act, 2009, approved March 13, 2009 (123 Stat. 699; D.C. Official Code §§ 47-369.01 and 47-369.02), the fiscal year 2013 budgets for the following agencies shall be adjusted by the following amounts:

**TITLE II—DISTRICT OF COLUMBIA FUNDS—SUMMARY OF EXPENSES**

\$238,687,000 (of which \$118,633,000 shall be added to local funds (including \$14,284,000 added to dedicated taxes), \$107,670,000 added to other funds, and \$12,384,000 from Medicaid payments) to be allocated as follows:

**Government Direction and Support**

The appropriation for Government Direction and Support is increased by \$3,078,000 (including \$1,069,000 in local funds and \$2,009,000 in other funds); to be allocated as follows:

- (1) District of Columbia Department of Human Resources. - \$569,000 is added to be available from local funds;
- (2) Medical Liability Captive Insurance Agency. - \$135,000 (including \$135,000 added to be available from other funds);
- (3) Office of the Chief Technology Officer. - \$500,000 is added to be available from local funds;
- (4) Department of General Services. - \$352,000 (including \$352,000 added to be available in other funds); and
- (5) Office of the City Administrator. - \$1,522,000 (including \$1,522,000 added to be available from other funds).

## ENROLLED ORIGINAL

**Economic Development and Regulation**

The appropriation for Economic Development and Regulation is increased by \$59,603,000 (including \$58,503,000 in local funds and \$1,100,000 in other funds); to be allocated as follows:

- (1) Deputy Mayor for Planning and Economic Development. - (\$7,000) is removed from local funds;
- (2) Department of Employment Services. - \$10,472,000 is added to be available from local funds;
- (3) Office of Cable Television. - \$1,100,000 (including \$1,100,000 added to be available from other funds);
- (4) Housing Production Trust Fund Subsidy. - \$47,931,000 is added to be available from local funds; and
- (5) Commission on Arts and Humanities. - \$107,000 is added to be available from local funds.

**Public Safety and Justice**

The appropriation for Public Safety and Justice is increased by \$995,000 in local funds; to be allocated as follows:

- (1) Deputy Mayor for Public Safety and Justice. - \$995,000 is added to be available from local funds; provided, that of this amount, \$500,000 shall be deposited in the Community-Based Violence Reduction Fund established by section 3014 of the Fiscal Year 2009 Budget Support Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 1-325.121), and shall be used for the purposes set forth in that section.

**Public Education**

The appropriation for Public Education is increased by \$17,626,000 (including \$5,887,000 in local funds and \$11,739,000 in other funds); to be allocated as follows:

- (1) District of Columbia Public Schools. - \$13,739,000 (including \$2,000,000 added to be available from local funds and \$11,739,000 added to be available from other funds); provided, that the \$2,000,000 from local funds shall be used for summer school programming;
- (2) Office of the State Superintendent of Education. - \$1,452,000 is added to be available from local funds;
- (3) Office of the Deputy Mayor for Education. - \$435,000 is added to be available from local funds; and
- (4) District of Columbia Public Charter Schools - \$2,000,000 is added to be available from local funds; provided, that the \$2,000,000 from local funds shall be dispersed equally among local education agencies eligible for Public Charter School payments to enhance summer school programming.

## ENROLLED ORIGINAL

**Human Support Services**

The appropriation for Human Support Services is increased by \$22,732,000 (including \$10,348,000 in local funds (including \$10,348,000 in dedicated taxes) and \$12,384,000 from Medicaid payments); to be allocated as follows:

(1) Department of Health Care Finance. - \$22,732,000 (including \$10,348,000 added to be available from local funds (including \$10,348,000 to be available in dedicated taxes) and \$12,384,000 from Medicaid payments).

**Public Works**

The appropriation for Public Works is increased by \$13,591,000 (including \$4,781,000 in local funds (including \$3,936,000 in dedicated taxes) and \$8,810,000 in other funds); to be allocated as follows:

(1) Department of Public Works. - \$800,000 (including \$800,000 added to be available from other funds);

(2) District Department of Transportation. - \$3,156,000 (including \$562,000 added to be available from local funds and \$2,594,000 added to be available from other funds);

(3) District Department of the Environment. - \$30,000 (including \$30,000 added to be available from other funds);

(4) Washington Metropolitan Area Transit Authority. - \$8,622,000 (including \$3,936,000 added to be available from local funds (including \$3,936,000 added to be available in dedicated taxes) and \$4,686,000 from other funds); provided, that, at the end of fiscal year 2013, any unexpended local funds from the Washington Metropolitan Area Transit Authority payment shall revert to the Housing Production Trust Fund; and

(5) D.C. Taxicab Commission. - \$983,000 (including \$283,000 added to be available from local funds and \$700,000 added to be available from other funds).

**Financing and Other**

The appropriation for Financing and Other is increased by \$27,200,000 in local funds; to be allocated as follows:

(1) Workforce Investments. - \$24,200,000 is added to be available from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this act for which employees are properly payable;

(2) Non Departmental. - (\$5,000,000) is removed from local funds; and

(3) Pay-As-You-Go Capital Fund. - \$8,000,000 is added to be available from local funds.

**Enterprise and Other**

The appropriation for Enterprise and Other is increased by \$84,362,000 (including \$9,850,000 in local funds and \$74,512,000 in other funds); to be allocated as follows:

(1) University of the District of Columbia. - \$9,850,000 is added to be available from local funds;

(2) Housing Production Trust Fund. - \$47,931,000 (including \$47,931,000 added

## ENROLLED ORIGINAL

to be available from other funds) plus any reverted unexpended local funds from the Washington Metropolitan Area Transit Authority payment; and

(3) District of Columbia Health Benefit Exchange Authority. - \$26,581,000 (including \$26,581,000 added to be available in other funds).

**Capital Outlay**

For capital construction projects, an increase of \$9,500,000 (including \$9,500,000 in local funds).

Sec. 3. The District hereby forgives the debt currently owed to the District by the University of the District of Columbia in the amount of \$9,850,000. This amount represents an unspent balance on the university's books from the fiscal year 2008 subsidy.

Sec. 4. Remaining fiscal year 2013 unexpended revenue of \$95,998,000 shall be carried over into fiscal year 2014 as fund balance. This revenue shall be used in accordance with the Fiscal Year 2014 Budget Request Act of 2013.

Sec. 5. Section 5 of the District of Columbia Flood Assistance Fund Act of 2012, returned unsigned by the Mayor on February 4, 2013 (D.C. Act 19-661; 60 DCR 2613), is repealed.

Sec. 6. The May 7, 2013 "Special Report on Proposed Fiscal Year 2013 Increase to Appropriations" is approved and incorporated into this act.

Sec. 7. Fiscal impact statement.

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

Sec. 8. Effective date.

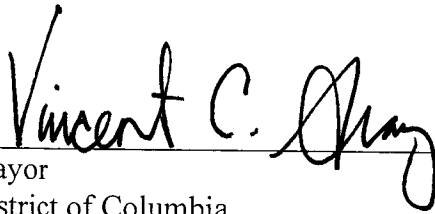
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
May 23, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-75

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 23, 2013

To amend, on an emergency basis, the District of Columbia Traffic Act, 1925, the District of Columbia Traffic Adjudication Act of 1978, and section 23-581 of the District of Columbia Official Code to revise the definition of and penalties for reckless driving and create a new offense of and penalties for aggravated reckless driving; to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia, the Anti-Drunk Driving Act of 1982 , and sections 301 and 302 of Title 18 of the District of Columbia Municipal Regulations to remove mandatory suspension or revocation requirements for reckless driving and establish these requirements for aggravated reckless driving, and to amend section 303 of Title 18 of the District of Columbia Municipal Regulations to align the number of points assigned for reckless driving to the number assigned by other jurisdictions, to clarify safe driving points assessment, and to clarify the procedures for challenging the assessment of points for an offense committed in another jurisdiction.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Reckless Driving Emergency Amendment Act of 2013".

Sec. 2. Section 9 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-2201.04), is amended as follows:

(a) Subsection (b) is amended to read as follows:

"(b) A person shall be guilty of reckless driving if the person drives a vehicle upon a highway carelessly and heedlessly in willful or wanton disregard for the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger a person or property."

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

"(b-1) A person shall be guilty of aggravated reckless driving if the person violates subsection (b) of this section and the person does one or more of the following:

"(1) Operates the vehicle at a rate or speed at or greater than 30 miles per hour over the stated speed limit;

"(2) Causes bodily harm or permanent disability or disfigurement to another; or

## ENROLLED ORIGINAL

"(3) Causes property damage in excess of \$1,000."

(c) Subsection (c) is amended to read as follows:

"(c)(1) A person violating subsection (b) of this section shall, upon conviction for the first offense, be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Emergency Amendment Act of 2013, effective April 1, 2013 (D.C. Act 20-45; 60 DCR 5400), or incarcerated for no more than 90 days, or both.

"(2) A person violating subsection (b) of this section when the person has been convicted of a prior offense under subsection (b) of this section within a 2-year period and is being sentenced on the current offense shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Emergency Amendment Act of 2013, effective April 1, 2013 (D.C. Act 20-45; 60 DCR 5400), or incarcerated for no more than 180 days.

"(3) A person violating subsection (b) of this section when the person has 2 or more prior convictions for offenses under subsection (b) of this section within a 2-year period and is being sentenced on the current offense shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Emergency Amendment Act of 2013, effective April 1, 2013 (D.C. Act 20-45; 60 DCR 5400), or incarcerated for no more than one year."

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

"(c-1)(1) A person violating subsection (b-1) of this section shall, upon conviction for the first offense, be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Emergency Amendment Act of 2013, effective April 1, 2013 (D.C. Act 20-45; 60 DCR 5400), or incarcerated for no more than 180 days, or both.

"(2) A person violating subsection (b-1) of this section when the person has one or more prior convictions for offenses under subsection (b-1) within a 2-year period and is being sentenced on the current offense shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Emergency Amendment Act of 2013, effective April 1, 2013 (D.C. Act 20-45; 60 DCR 5400), or incarcerated for no more than one year."

(d) Subsection (d) is amended by striking the phrase "reckless driving" and inserting the phrase "aggravated reckless driving" in its place.

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

"(e) A presumption shall exist that a reckless, careless, hazardous, or aggressive driving conviction that occurred in a foreign jurisdiction constitutes reckless driving as provided in subsection (b) of this section, unless the District can show evidence that the person met the requirements for aggravated reckless driving in subsection (b-1) of this section."

Sec. 3. Section 202 of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2302.02), is amended as follows:

(a) Paragraph (2) is repealed.

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

"(2A) Violation of section 9(b-1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-2201.04(b-1))."



ENROLLED ORIGINAL

Sec. 4. Section 37(a) of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 130; D.C. Official Code § 50-1301.37(a)), is amended by striking the phrase "reckless driving involving personal injury" and inserting the phrase "aggravated reckless driving" in its place.

Sec. 5. Section 23-581(a)(3) of the District of Columbia Official Code is amended by striking the phrase "Reckless driving . . . . .section 9(b) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-2201.04(b))", and inserting the phrase "Aggravated reckless driving . . . . . section 9(b-1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-2201.04(b-1))" in its place.

Sec. 6. Section 3t(a)(4) of Subtitle D of Title I of the Anti-Drunk Driving Act of 1982, signed by the Mayor on October 24, 2012 (D.C. Act. 19-489; 59 DCR 12957), is amended by striking the phrase "Reckless driving" and inserting the phrase "Aggravated reckless driving" in its place.

Sec. 7. Chapter 3 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 300 *et seq.*), is amended as follows:

(a) Section 301.1(d) (18 DCMR § 301.1(d)) is amended by striking the phrase "Reckless driving" and inserting the phrase "Aggravated reckless driving" in its place.

(b) Section 302.14 (18 DCMR § 302.14) is amended by striking the phrase "Reckless Driving" and inserting the phrase "Aggravated Reckless Driving" in its place.

(c) Section 303 (18 DCMR § 303) is amended as follows:

(1) Subsection 303.2 is amended as follows:

(A) Subsection 303.2(j) (18 DCMR § 303.2(j)) is amended to read as

follows:

“(j) Reckless driving six points”.

(B) A new subsection 303.2(j-1) (18 DCMR § 303.2(j-1)) is added to read

as follows

"(j-1) Aggravated reckless driving twelve points."

(2) Subsection 303.9 (18 DCMR § 303.9) is amended to read as follows:

“303.9 The Director shall assign one (1) safe driving point annually at the beginning of the calendar year to the driving record of a licensee who was not assessed points during the preceding twelve (12) months, up to a maximum accumulation of five (5) points.”.

(3) Subsection 303.10 (18 DCMR §303.10) is amended by adding the phrase “Safe driving points shall not be used to offset points assessed for a mandatory revocation or suspension.” at the end.

(4) Subsection 303.13 (18 DCMR § 303.13) is amended to read as follows:

"303.13 The Director shall redesignate an offense assigned to a driving record pursuant to section 303.12, if the licensee demonstrates by submission of official documentation (e.g., an

ENROLLED ORIGINAL

indication of the number of miles travelled over the speed limit in the location where cited) that the traffic offense committed in another jurisdiction on its facts would have been considered a different offense if committed in the District.”.

Sec. 8. Applicability.

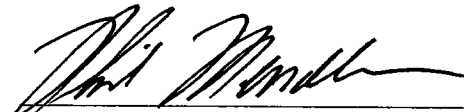
This act shall apply as of June 1, 2013.

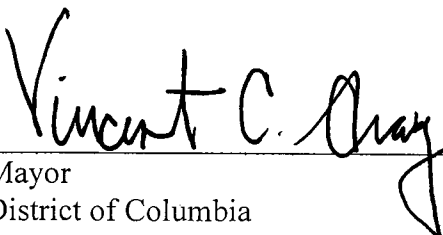
Sec. 9. Fiscal impact statement.

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

Sec. 10. Effective date.

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

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
May 23, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-76

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 29, 2013

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

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

Sec. 2. Definitions.

For the purposes of this act, the term:

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

ENROLLED ORIGINAL

Sec. 3. Findings.

The Council of the District of Columbia finds that:

- (1) According to the Auditor, there are 247 public-private development construction projects which have a 35% CBE subcontracting requirement.
- (2) Only 25 projects have met or exceeded their CBE expenditure goal.
- (3)(A) 54 developers have submitted CBE subcontracting expenditure plans, but have not met their CBE subcontracting goal as of September 30, 2012.
  - (B) The 54 public-private development construction projects have a total CBE expenditure goal of \$1,391,581,471.50; only \$262,837,361.90 has been allocated to CBEs as of September 30, 2012.
  - (C) The developers at the 54 projects have only met 19% of their CBE expenditure goal or they have a CBE goal deficit of \$1,128,744,109.60.
- (4) 168 developers, which account for 68% of the public-private development construction projects in the District, have not submitted a CBE expenditure goal.

Sec. 4. Director's notice to developers.

(a)(1) Within 15 days of the effective date of the Certified Business Enterprise Compliance Emergency Act of 2013, effective April 30, 2013 (D.C. Act 20-62; 60 DCR \_\_\_), the Director shall send notices by certified mail to the 168 developers that failed to submit CBE expenditure reports as detailed by the Auditor in the audit report.

(2) The notice shall contain the following information:

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

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

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

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

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

(b)(1) Within 15 days of the effective date of the Certified Business Enterprise Compliance Emergency Act of 2013, effective April 30, 2013 (D.C. Act 20-62; 60 DCR \_\_\_), the Director shall send notices by certified mail to the 54 developers that submitted CBE expenditure reports but have not met their CBE expenditure goal as of September 30, 2012 as detailed by the Auditor in the audit report.

(2) The notice shall contain the following information:

## ENROLLED ORIGINAL

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

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

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

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

(c) Within 15 days of the effective date of the Certified Business Enterprise Compliance Emergency Act of 2013, effective April 30, 2013 (D.C. Act 20-62; 60 DCR \_\_\_), the Director shall send notices by certified mail to the 25 developers that have met their CBE expenditure goals as detailed by the Auditor in the audit report thanking them for being in compliance with the law and for helping with the growth and development of District-based businesses.

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

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

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

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

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

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

ENROLLED ORIGINAL

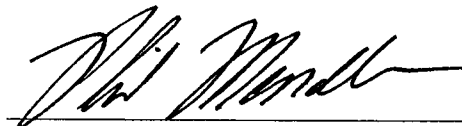
Sec. 7. Fiscal impact statement.

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

Sec. 8. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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



Chairman  
Council of the District of Columbia

~~UNSIGNED~~

\_\_\_\_\_  
Mayor  
District of Columbia

May 16, 2013

**COUNCIL OF THE DISTRICT OF COLUMBIA  
NOTICE OF INTENT TO ACT ON NEW LEGISLATION**

The Council of the District of Columbia hereby gives notice of its intention to consider the following legislative matters for final Council action in not less than **15 days**. Referrals of legislation to various committees of the Council are listed below and are subject to change at the legislative meeting immediately following or coinciding with the date of introduction. It is also noted that legislation may be co-sponsored by other Councilmembers after it's introduction.

Interested persons wishing to comment may do so in writing addressed to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, NW, Room 5, Washington, D.C. 20004. Copies of bills and proposed resolutions are available in the Legislative Services Division, 1350 Pennsylvania Avenue, NW, Room 10, Washington, D.C. 20004 Telephone: 724-8050 or online at [www.dccouncil.us](http://www.dccouncil.us).

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<b>COUNCIL OF THE DISTRICT OF COLUMBIA</b>	<b>PROPOSED LEGISLATION</b>
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**PROPOSED RESOLUTIONS**

PR20-287      District of Columbia Boxing and Wrestling Commission Sean L. Ponder Confirmation Resolution of 2013  
Intro. 05-20-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

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PR20-288      District of Columbia Board of Nursing Mamie Mesfin-Preston Confirmation Resolution of 2013 of 2013  
  
Intro. 05-20-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

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PR20-290      Not-For-Profit Hospital Corporation Board of Directors Bishop Charles Matthew Hudson, Jr. Confirmation Resolution of 2013  
  
Intro. 05-22-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

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PR20-291      Not-For-Profit Hospital Corporation Board of Directors Margo L. Bailey Confirmation Resolution of 2013  
  
Intro. 05-22-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

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**PROPOSED RESOLUTIONS Con't**

PR20-292 District of Columbia Board of Library Trustees Faith G. Hubbard Confirmation Resolution of 2013

Intro. 05-22-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education

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PR20-293 District of Columbia Board of Library Trustees Neil Albert Confirmation Resolution of 2013

Intro. 05-22-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education

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PR20-294 Accrued Sick and Safe Leave Act Hardship Exemption Regulation Approval Resolution of 2013

Intro. 05-22-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Workforce and Community Affairs

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PR20-295 D.C. Preparatory Academy Revenue Bonds Approval Resolution of 2013

Intro. 05-23-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

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PR20-296 Washington International School Refunding Revenue Bonds Project Approval Resolution of 2013

Intro. 05-23-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

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**Council of the District of Columbia  
Committee on the Judiciary and Public Safety  
Notice of Public Hearing**

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

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REVISED

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

**ANNOUNCES A PUBLIC HEARING ON**

**BILL 20-122, THE “VIDEO VISITATION MODIFICATION ACT OF 2013”**

**Tuesday, June 25, 2013**

**11:30 a.m.**

**Room 412 John A. Wilson Building**

**1350 Pennsylvania Avenue, NW**

**Washington, D.C. 20004**

Councilmember Tommy Wells, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing on Bill 20-122, the “Video Visitation Modification Act of 2013”. The hearing will be held on Tuesday, July 25, 2013, beginning at 11:30 a.m. in Room 412, of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, D.C. 20004. **(This hearing has been rescheduled from Thursday July 11, 2013.)**

Bill 20-122, would modify the video visitation program in the Department of Corrections to also allow in-person visitation.

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](mailto:tshuford@dccouncil.us), and furnish their name, address, telephone number, and organizational affiliation, if any, by 5:00 p.m. on Friday, June 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 hearing, written statements are encouraged and will be made part of the official record. Written statements should be submitted by 5:00 pm on Wednesday, July 10, 2013 to Ms. Shuford, Committee on the Judiciary and Public Safety, Room 109, 1350 Pennsylvania Avenue, NW, Washington, D.C., 20004, or via email at [tshuford@dccouncil.us](mailto:tshuford@dccouncil.us).

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

REVISED/ABBREVIATED

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CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
ANNOUNCES A PUBLIC OVERSIGHT HEARING

on

**“Progress Report on the Fiscal Year 2012 Comprehensive Annual Financial Report (CAFR)  
Audit Recommendations”**

on

**Tuesday, June 11, 2013  
1:00 p.m., Room 412, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Council Chairman Phil Mendelson announces the scheduling of a public oversight hearing of the Committee of the Whole on a “Progress Report on the Fiscal Year 2012 Comprehensive Annual Financial Report (CAFR) Audit Recommendations.” The public oversight hearing will be held Tuesday, June 11, 2013, at 11:00 a.m. in the room 412, of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The purpose of this public oversight hearing is to receive testimony on the progress made by the District government on addressing significant deficiencies identified by the Independent Auditors’ Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements released in conjunction with the FY 2012 CAFR. These deficiencies were discussed at a February 6, 2013 hearing of the Committee which discussed the findings of the CAFR. **Pursuant to Council Rule 421(c)(1), this notice has been revised to reflect the change in time to 1:00 p.m.**

Those who wish to testify are asked to telephone the Committee of the Whole, at (202) 724-8196, or e-mail Evan Cash, Committee Director, at [ecash@dccouncil.us](mailto:ecash@dccouncil.us) and provide their name, address, telephone number, and organizational affiliation, if any, by the close of business Friday, June 7, 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 June 7, 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.

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 25, 2013.

Council of the District of Columbia  
Committee on Human Services  
**NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE**  
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

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**THE COMMITTEE ON HUMAN SERVICES  
COUNCILMEMBER JIM GRAHAM, CHAIR**

**ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON**

**THE EXEMPTION OF DOMESTIC VIOLENCE SURVIVORS FROM THE  
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES TIME LIMIT**

**TUESDAY, JUNE 11, 2013 AT 11:00 A.M.  
THE JOHN A. WILSON BUILDING  
1350 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20004  
ROOM 123**

Councilmember Jim Graham, Chair of the Committee on Human Services, announces a public oversight roundtable on “The Exemption of Domestic Violence Survivors from the Temporary Assistance for Needy Families Time Limit.” The roundtable will be held on Tuesday, June 11, 2013, at 11:00 a.m., in Room 123 of the John A. Wilson Building.

The purpose of this roundtable is to receive comment from the advocacy community and the Department of Human Services regarding an exemption from the Temporary Assistance for Needy Families time limit for survivors of domestic violence.

Those who wish to testify should contact Mr. Malcolm Cameron of the Committee on Human Services by email at [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us) or by telephone at (202) 724-8191. Email contacts to Mr. Cameron should include the residential ward, full name, title, and affiliation -- if applicable -- of the person(s) testifying. Witnesses should bring 15 copies of their written testimony to the hearing. Individuals will be permitted 3 minutes for oral presentation -- individuals representing organizations or groups will be permitted 5 minutes.

If you are unable to testify at the roundtable, written statements are encouraged and will be included in the official record. Copies of written statements should be emailed to Mr. Malcolm Cameron at [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us) or submitted to the Committee on Human Services at 1350 Pennsylvania Avenue, N.W., Suite 116, Washington, D.C. 20004, by no later than 6:00 p.m., Tuesday, June 18, 2013, when the official record will close.

Council of the District of Columbia  
Committee on Economic Development  
**Notice of Public Roundtable**  
1350 Pennsylvania Avenue, N.W. Washington, DC 20004

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**COUNCILMEMBER MURIEL BOWSER, CHAIRPERSON  
COMMITTEE ON ECONOMIC DEVELOPMENT**

**ANNOUNCES A PUBLIC ROUNDTABLE**

**ON**

**Proposed Resolution 20-162, Housing Production Trust Board Stanley Jackson  
Confirmation Resolution of 2013**

**Proposed Resolution 20-163, Housing Production Trust Board Jacqueline V. Prior  
Confirmation Resolution of 2013**

**Proposed Resolution 20-164, Housing Production Trust Board Ornamenta Newsome  
Confirmation Resolution of 2013**

**Proposed Resolution 20-165, Housing Production Trust Board Robert H. Pohlman  
Confirmation Resolution of 2013**

**Proposed Resolution 20-166, Housing Production Trust Board David J. Roodberg  
Confirmation Resolution of 2013**

**Proposed Resolution 20-167, Housing Production Trust Board Sue Ann Marshall  
Confirmation Resolution of 2013**

**Proposed Resolution 20-168, Housing Production Trust Board M. Craig Pascal  
Confirmation Resolution of 2013**

**Proposed Resolution 20-169, Housing Production Trust Board James D. Knight  
Confirmation Resolution of 2013**

**Proposed Resolution 20-170, Housing Production Trust Board David C. Bowers  
Confirmation Resolution of 2013**

**JUNE 7, 2013**

**10:00 AM**

**ROOM 412**

**JOHN A. WILSON BUILDING**

**1350 PENNSYLVANIA AVENUE, N.W.**

On June 7, 2013, Councilmember Muriel Bowser, Chairperson of the Committee on Economic Development will hold a public roundtable to consider the Mayor's nominees to the Housing

**007610**

Production Trust Fund Board. The Board is a nine member advisory body created by D.C. Code § 42-2802.01. It is charged with advising the Mayor on the development, financing, and operation of the Fund and other matters related to the production of housing for low-income, very low-income, and extremely low-income households.

The public roundtable will begin at 10:00 AM in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

Individuals and representatives of organizations wishing to testify should contact Judah Gluckman, Legislative Counsel for the Committee on Economic Development, at (202) 724-8025, or [jgluckman@dccouncil.us](mailto:jgluckman@dccouncil.us) and furnish their name, address, telephone number, and organizational affiliation, if any, by the close of business Wednesday, June 5, 2013. Persons presenting testimony may be limited to 3 minutes in order to permit each witness an opportunity to be heard.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee on Economic Development, Council of the District of Columbia, Suite 112 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

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

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 ROUNDTABLE ON THE MATTER OF:**

**Motor Vehicle Fuel Tax in the District of Columbia**

**Wednesday, June 12, 2013**

**10:30 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 roundtable to be held on Wednesday, June 12, 2013 at 10:30 a.m., in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

The committee print of Bill 20-199, the "Fiscal Year 2014 Budget Support Act of 2013" contains Title VII, Subtitle CC, Motor Vehicle Fuel Tax, which would repeal the existing \$0.235 per-gallon tax on motor vehicle fuel and would establish, in its place, an 8.3% tax on the wholesale price of motor vehicle fuels. The 8.3% tax would be on the statewide average wholesale price of a gallon of motor vehicle fuel for the applicable base period, excluding federal and state taxes, within the District, sold or otherwise disposed of by an importer or by a user, or used for commercial purposes.

The Committee invites the public to testify at the roundtable. 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 10:30 a.m. on Wednesday, May 8, 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.

<b>COUNCIL OF THE DISTRICT OF COLUMBIA</b> <b>EXCEPTED SERVICE APPOINTMENTS AS OF APRIL 30, 2013</b>
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**NOTICE OF EXCEPTED SERVICE EMPLOYEES**

D.C. Code § 1-609.03(c) requires that a list of all new appointees to Excepted Service positions established under the provisions of § 1-609.03(a) be published in the D.C. Register. In accordance with the foregoing, the following information is hereby published for the following positions.

<b>COUNCIL OF THE DISTRICT OF COLUMBIA</b>			
<b>NAME</b>	<b>POSITION TITLE</b>	<b>GRADE</b>	<b>TYPE OF APPOINTMENT</b>
Branton, Krystal	Communications Director	4	Excepted Service - Reg Appt

**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. 20-57:** Request to reprogram \$19,364,535 of Fiscal Year 2013 Local Funds budget authority within the District of Columbia Public Schools (DCPS) was filed in the Office of the Secretary on May 23, 2013. This reprogramming is needed to ensure that funding is available for the additional costs required for the Food Service Contract, School Based Health Memorandum of Understanding (MOU) with the Department of Health, Security MOU with the Metropolitan Police Department, the Chancellor's "Reading Intervention Program", and the realignment of the Human Capital Department.

RECEIVED: 14 day review begins May 24, 2013



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS  
CALENDAR

WEDNESDAY, JUNE 5, 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

- Protest Hearing (Status) 9:30 AM**  
Case # 13-PRO-00011; Lee's Mini Market, Inc., t/a Lee's Mini Market, 3853 Alabama Ave SE, License #84939, Retailer B, ANC 7B
- Substantial Change (Retailer Class Change from B to A)**
- Show Cause Hearing (Status) 9:30 AM**  
Case # 13-CMP-00082; Amde Sofenias, t/a Queen Makeda, 1917 9th Street NW., License #60510, Retailer CR , ANC 1B
- No ABC Manager on Duty, Trade Name Change, Failed to Allow an ABRA Investigator to Enter or Inspect Without Delay or Otherwise Interfered with an Investigation**
- Show Cause Hearing (Status) 9:30 AM**  
Case # 12-AUD-00013; Amde Sofenias, t/a Queen Makeda, 1917 9th Street NW License #60510, Retailer CR, ANC 1B
- Failed to Comply With the Terms of Board Order No. 2012-334**
- Show Cause Hearing (Status) 9:30 AM**  
Case # 11-251-00349; Amde Sofenias, t/a Queen Makeda, 1917 9th Street NW License #60510, Retailer CR, ANC 1B
- Failed to Comply With the Terms of Board Order No. 2012-251**
- Show Cause Hearing (Status) 9:30 AM**  
Case # 12-CMP-00717; Arias, Inc., t/a My Brother's Place, 237 2nd Street NW License #71593, Retailer CR, ANC 6C
- Sale to Minor, Failed to Take Steps Necessary to Ascertain Legal Drinking**
- Show Cause Hearing (Status) 9:30 AM**  
Case # 12-CMP-00687; Ahmed Ouhman Enterprises, t/a Taan (Formerly-Marrakech Lounge), 1817 Columbia Road NW, License #87585, Retailer CR ANC 1C
- No ABC Manager on Duty, Trade Name Change**

Board's Calendar

Page -2- June 5, 2013

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

**Case # 13-CMP-00144;** Restaurant Seki, LLC, t/a Izakaya Seki, 1117 V Street NW, License #88274, Retailer CR, ANC 1B

**Failed to File Quarterly Statements (1st Quarter 2013)**

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

**Case # 12-CMP-00588;** Etete Ethiopian Cuisine, LLC, t/a Etete Ethiopian Cuisine, 1942 9th Street NW, License #70728, Retailer CT, ANC 1B

**No ABC Manager on Duty**

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

**Case # 13-CMP-00134;** M & K, Inc., t/a ABC Grocery, 1401 6th Street NW License #71204, Retailer B, ANC 6E

**Sold Go-Cups**

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

**Case # 13-AUD-00002;** Sisy's Salvadoran and Mexican Restaurant, Inc., t/a Sisy's, 3911 14th Street NW, License #76125, Retailer CR, ANC 4C

**Failed to Maintain Books and Records**

**Show Cause Hearing 10:00 AM**

**Case # 12-CMP-00399;** Panda Café, Inc., t/a Panda Café, 2138 Pennsylvania Ave NW, License #72312, Retailer CR, ANC 2A

**Failed to Maintain Books and Records, Failed to Produce Importation Permits, Failed to Post ABC Window Lettering**

**Show Cause Hearing 11:00 AM**

**Case # 12-CMP-00021;** Cesar Guzman t/a Casa Blanca Restaurant, 1014 Vermont Ave NW, License #20067, Retailer CR, ANC 2F

**Failed to Comply With the Terms of Board Order No. 2012-350**

**BOARD RECESS AT 12:00 PM**

**ADMINISTRATIVE AGENDA**

**1:00 PM**

**Show Cause Hearing 1:30 PM**

**Case # 12-CMP-00392;** M&T Grocer's Beer and Wine, Inc., t/a M&T Grocer's Beer and Wine, 201 15th Street NE, License #77390, Retailer B, ANC 6A

**Violation of Settlement Agreement (Sold Individual Containers)**

**Show Cause Hearing 2:30 PM**

**Case # 11-251-00188 # 11-251-00212, # 11-251-00366, #11-251-00366(a)** Shamiana, LLC, t/a Heritage India Brassiere & Lounge; 1337 Connecticut Ave NW, License #75074, Retailer CR, ANC 2B

**Failed to Comply With the Terms of Board Order No. 2012-309**

**Show Cause Hearing 3:30 PM**

**Case # 12-CMP-00613;** Carnival, Inc., t/a Sunset Liquors, 1627 1st Street NW License #60657, Retailer A, ANC 5E

**Sold Fewer Than Six Miniature Bottles of Spirits**

**Show Cause Hearing 4:30 PM**

**Case # 12-CMP-00450;** Cec, Inc., t/a Bistro Lepic, 1736 Wisconsin Ave NW License #21918, Retailer CR, ANC 2E

Board's Calendar

Page -2- June 5, 2013

**Failed to File Quarterly Statements (2nd Quarter 2012, 4th Quarter 2013)**

**\*RESCIND\***

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Posting Date: May 17, 2013

Petition Date: July 1, 2013

Hearing Date: July 15, 2013

License No.: ABRA-060605

Licensee: 2321 18<sup>th</sup> Street, LLC

Trade Name: Bourbon

License Class: Retailer's Class "C" Restaurant

Address: 2348 Wisconsin Ave., NW

Contact: William Thomas (202) 262-5637

WARD 3

ANC 3B

SMD 3B02

Notice is hereby given for a request received from the Licensee to terminate the Settlement Agreement applicable to the licensed premises, as approved and incorporated into an order by the Board.

**Parties to the Settlement Agreement: 2321 18<sup>th</sup> Street, LLC t/a Bourbon and Kalorama Citizens Association**

Objectors are entitled to be heard before the granting of such request on the Hearing Date at 10:00 am, 2000 14<sup>th</sup> Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date.

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

Posting Date: May 31, 2013  
Petition Date: July 15, 2013  
Hearing Date: July 29, 2013

License No.: ABRA-060605  
Licensee: 2321 18<sup>th</sup> Street, LLC  
Trade Name: Bourbon  
License Class: Retailer's Class "C" Restaurant  
Address: 2348 Wisconsin Ave., NW  
Contact: William Thomas (202) 262-5637

WARD 3

ANC 3B

SMD 3B02

Notice is hereby given for a request received from the Licensee to terminate the Settlement Agreement applicable to the licensed premises, as approved and incorporated into an order by the Board.

**Parties to the Settlement Agreement: Ellen Mawhinney, on behalf of a group of five (5) or more individuals, Protestants**

Objectors are entitled to be heard before the granting of such request on the Hearing Date at 10:00 am, 2000 14<sup>th</sup> Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: May 31, 2013
Petition Date: July 15, 2013
Hearing Date: July 29, 2013
Protest Hearing Date: September 18, 2013

License No.: ABRA-090698
Licensee: Cava Mezze Grille Tenleytown, LLC
Trade Name: Cava Mezze Grille
License Class: Retail Class "C" Restaurant
Address: 4237 Wisconsin Avenue, N.W.
Contact: Brett Shulman, 240-221-0887

WARD 3 ANC 3E SMD 3E05

Notice is hereby given that this licensee has applied for a substantial change to the 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 14th Street, NW, 4th Floor, Washington, D.C. 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 September 11, 2013.

Licensee requests the following substantial change to its nature of operation:

- To add a Sidewalk Café (32 seats)

HOURS OF OPERATON

Sunday through Thursday 11:30 am – 10:30 pm, Friday and Saturday 11:30 am – 11:00 pm

HOURS OF SALES/SERVICE/CONSUMPTION

Sunday through Thursday 11:30 am – 10:30 pm, Friday and Saturday 11:30 am – 11:00 pm

HOURS OF OPERATION/SALES/SERVICE/CONSUMPTION FOR SIDEWALK CAFE

Sunday through Thursday 11:30 am – 10:30 pm, Friday and Saturday 11:30 am – 11:00 pm

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

Posting Date: May 31, 2013  
Petition Date: July 15, 2013  
Hearing Date: July 29, 2013

License No.: ABRA-090800  
Licensee: Cordial Union, LLC  
Trade Name: Cordial Fine Wine and Beer  
License Class: Retailer's Class "B" Grocery  
Address: 1309 5<sup>th</sup> St. NE 20002  
Contact: Attorney: Andrew Kline, (202) 686-7600

WARD5

ANC 5D

SMD 5D01

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**

To change Type of License from a Class "B" Grocery to a Class "A" Liquor Store.

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

Monday through Sunday 9am-10pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: May 31, 2013
Petition Date: July 15, 2013
Roll Call Hearing Date: July 29, 2013
Protest Hearing Date: September 18, 2013

License No.: ABRA-092277
Licensee: Eclectico Concepts, LLC
Trade Name: Tinto
License Class: Retailer's Class "C" Tavern
Address: 3463 14th Street, NW
Contact: Andrew Kline, Attorney 202-686-7600

WARD 1 ANC 1A SMD 1A04

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for 1:30 pm on September 18, 2013.

NATURE OF OPERATION

New Restaurant to serve South American Fusion with occasional Live Music. No Nude Performances/Dancing.
Summer Garden: 35 seats.
Sidewalk café: 14 seats
Seating Capacity: 51.
Total occupancy load: 99.

PROPOSED HOURS OF OPERATION FOR PREMISES/SUMMER GARDEN/SIDEWALK CAFÉ:

Sunday through Thursday 7:00am – 2:00am, Friday and Saturday 7:00am – 3:00am.

PROPOSED HOURS OF SALES/SERVICE/CONSUMPTION FOR PREMISES/SUMMER GARDEN/SIDEWALK CAFÉ:

Sunday through Thursday 8:00am – 2:00am, Friday and Saturday 8:00am – 3:00am.

PROPOSED HOURS OF ENTERTAINMENT FOR PREMISE/SUMMER GARDEN/SIDEWALK CAFÉ:

Sunday through Thursday 6:00pm – 2:00am, Friday and Saturday: 6:00pm – 3:00am



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: May 31, 2013
Petition Date: July 15, 2013
Roll Call Hearing Date: July 29, 2013
Protest Hearing Date: September 18, 2013

License No.: ABRA-092277
Licensee: Eclectico Concepts, LLC
Trade Name: Tinto
License Class: Retailer's Class "C" Tavern
Address: 3463 14th Street, NW
Contact: Andrew Kline 202-686-7600

WARD 1 ANC 1A SMD 1A04

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PROPOSED HOURS OF OPERATION FOR PREMISES/SUMMER GARDEN/SIDEWALK CAFÉ':

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

PROPOSED HOURS OF SALES/SERVICE/CONSUMPTION FOR PREMISES/SUMMER GARDEN/SIDEWALK CAFÉ':

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

PROPOSED HOURS OF ENTERTAINMENT FOR PREMISES/SUMMER GARDEN/SIDEWALK CAFÉ':

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

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

**TIME AND PLACE:** **Monday, July 15, 2013, @ 6:30 P.M.**  
**Jerrily R. Kress Memorial Hearing Room**  
**441 4<sup>th</sup> Street, N.W., Suite 220**  
**Washington, D.C. 20001**

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

**CASE NO. 12-05A (Ballpark Square, LLC - Modification to Capitol Gateway Overlay District Review @ Square 701, Lot 169 (formerly Lots 155 and 156) and Lot 170 (formerly Lots 33-41, 48-61, 131-136, 157-160, 816-817, 822, 823, 828-830, 832-834, and 854-856)**

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

On May 9, 2013, the Office of Zoning received an application from Ballpark Square, LLC (the "Applicant"). The Applicant is requesting the review and approval of a modification to the residential structure previously approved as part of the new development along 1<sup>st</sup> and M Streets, S.E., pursuant to Z.C. Order No. 12-05 based on the Capitol Gateway Overlay District provisions set forth in 11 DCMR § 1604. The Applicant is also maintaining its request for Zoning Commission approval for the use of Combined Lot Development rights ("CLDs") for development over 8.5 FAR pursuant to 11 DCMR § 1602.1(e). The Applicant is maintaining its previously approved special exception relief approval, pursuant to § 2116.5, from the location of parking spaces requirements, and variance relief approval from the loading requirements of § 2201.1 and the rear yard requirement of § 636 for the residential and hotel structures.

The property which is the subject of this application consists of approximately 77,209 square feet of land area. The property is comprised of two parcels – a north parcel of approximately 73,591 square feet of lot area (the "Main Parcel") and a south parcel of approximately 3,618 square feet of lot area (the "South Parcel"). The property is bound by M Street, S.E. to the north, 1<sup>st</sup> Street, S.E. to the east, Cushing Place, S.E. and an adjacent property owner's land to the west, and N Street to the south. The property is currently vacant and is zoned CG/CR, a district in which residential, hotel, retail and office uses are permitted as a matter-of-right.

The Applicant's modification request seeks an increase in the number of units and gross rentable area of the project and a reduction of the retail use within the residential component,. If granted, the residential component would be enlarged from approximately 260,240 square feet (approximately 292 units) to 303,993 square feet (approximately 326 units) while the retail use within the residential component would be reduced from approximately 28,063 square feet to 26,529 square feet. Also, the total retail use provided by the Project would be reduced from approximately 46,467 square feet to approximately 45,033 square feet. The hotel and office components, along with the ground retail elements of those structures, and the two story retail structure on Lot 169 remain unchanged in this modification. The Project will still contain approximately 170 hotel rooms, 223,819 square feet of office use, and 370-380 parking spaces. As a result of the proposed enlargement of the residential component, the total square footage would be increased from 653,159 square feet (8.89 FAR) to approximately 695,625 square feet (9.46 FAR). The total building height will still be approximately 130 feet.

Z.C. NOTICE OF PUBLIC HEARING  
Z.C. CASE NO. 12-05A  
PAGE 2

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          |

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.**

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health Care Finance, 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 Repl.)), hereby gives notice of a proposed amendment to Section 5213 of Chapter 52 (Medicaid Reimbursement for Mental Health Rehabilitative Services) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

The purposes of this proposed amendment are to (1) increase the reimbursement rate to Department of Mental Health-certified providers for the Mental Health Rehabilitation Service (MHRS) – Medication Somatic; and (2) amend the code for the Medication-Somatic service to a code which more appropriately describes the service provided. Analysis of reimbursement rates for medication somatic services or comparable services for the state of Maryland and for District of Columbia Free Standing Mental Health Clinics revealed that the previous MHRS Medication Somatic rates were the lowest and were 30% less than Medicare rates for the District of Columbia. The standard for DC Medicaid reimbursement is 80% of the DC Medicare rate. The proposed rate brings the MHRS rate into compliance with this methodology by increasing reimbursement rates for Medication Somatic services. Additionally, the new code for these services is entitled “medication training and support, per 15 minutes”, which best describes a Medication Somatic service.

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

**Chapter 52, MEDICAID REIMBURSEMENT FOR MENTAL HEALTH REHABILITATIVE SERVICES, of Title 29, PUBLIC WELFARE, of the DCMR is amended as follows:**

**Section 5213, Reimbursement, Subsection 5213.1 is deleted in its entirety and is amended to read as follows:**

5213.1 Medicaid reimbursement for MHRS shall be determined as follows:

SERVICE	CODE	BILLABLE UNIT OF SERVICE	RATE
Diagnostic/ Assessment	T1023HE	An assessment, at least 3 hours in duration	\$240.00

SERVICE	CODE	BILLABLE UNIT OF SERVICE	RATE
	H0002	An assessment, 40 – 50 minutes in duration to determine eligibility for admission to a mental health treatment program	\$85.00
Medication/ Somatic Treatment	H0034	15 minutes	\$39.29 – Individual (ages 22 and over)
	H0034HA	15 minutes	\$42.86– Individual (ages 0 – 21)
	H0034HQ	15 minutes	\$21.26 – Group
Counseling	H0004	15 minutes	\$19.50 – Individual On-Site (ages 22 and over)
	H0004HA	15 minutes	\$20.31 – Individual On-Site (ages 0 – 21)
	H0004HQ	15 minutes	\$10.45 – Group
	H0004HR	15 minutes	\$19.50 – Family with Consumer On-Site (ages 22 and over)
	H0004HS	15 minutes	\$19.50 – Family without Consumer On-Site (ages 22 and over)
	H0004HAHR	15 minutes	\$20.31 – Family with Consumer On-Site (ages 0 – 21)
	H0004HAHS	15 minutes	\$20.31 – Family without Consumer On-Site (ages 0 - 21)
	H0004HE	15 minutes	\$23.19 – Individual Off-Site (all ages)
Community Support	H0036	15 minutes	\$19.19 – Individual
	H0036HQ	15 minutes	\$8.67 – Group
	H0036UK	15 minutes	\$19.19 – Collateral
	H0036AM	15 minutes	\$19.19 – Physician Team Member
	H0038	15 minutes	\$19.19 – Self-Help Peer Support
	H0038HQ	15 minutes	\$8.67 –Self-Help Peer Support Group
	H0036HR	15 minutes	\$19.19 – Family with Consumer

SERVICE	CODE	BILLABLE UNIT OF SERVICE	RATE
	H0036HS	15 minutes	\$19.19 – Family without Consumer
	H0036U1	15 minutes	\$19.19 – Community Residence Facility
	H2023	15 minutes	\$16.25 – Supported Employment (Therapeutic)
Crisis/ Emergency	H2011	15 minutes	\$33.57
Day Services	H0025	One day, at least 3 hours in duration	\$144.77
Intensive Day Treatment	H2012	One day, at least 5 hours in duration	\$164.61
Community-Based Intervention (Level I – Multi-Systemic Therapy)	H2033	15 minutes	\$57.42
Community-Based Intervention (Level II and Level III)	H2022	15 minutes	\$31.35
Community-Based Intervention (Level IV – Functional Family Therapy)	H2033HU	15 minutes	\$57.42
Assertive Community	H0039	15 minutes	\$31.57 – Individual

SERVICE	CODE	BILLABLE UNIT OF SERVICE	RATE
Treatment	H0039HQ	15 minutes	\$11.07 – Group

Comments on this proposed rulemaking shall be submitted in writing to Linda Elam, PhD., MPH, Deputy Director, Department of Health Care Finance, 899 North Capitol Street, NE, 6<sup>th</sup> Floor, Washington, DC 20002, via email to [DHCFPubliccomments@dc.gov](mailto:DHCFPubliccomments@dc.gov), online at [www.dcregs.dc.gov](http://www.dcregs.dc.gov), or by telephone to (202) 442-9115, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Additional copies of this proposed rule may be obtained from the above address.

## OFFICE OF TAX AND REVENUE

## NOTICE OF PROPOSED RULEMAKING

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR) of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code § 47-1335 (2005 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019; P.L. 109-356, D.C. Official Code § 1-204.24d (2012 Supp.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of its intent to amend Chapter 3, REAL PROPERTY TAXES, of Title 9, TAXATION AND ASSESSMENTS, of the District of Columbia Municipal Regulations (DCMR), by amending Section 317, Tax Sale Threshold.

The proposed amendment to Section 317 provides that only those improved real properties where taxes are delinquent in the amount of one thousand dollars (\$1,000) or more, and only those unimproved real properties where taxes are delinquent in the amount of two hundred dollars (\$200) or more, shall be sold at the 2013 tax sale. The efficacy of the tax sale is balanced between generation of tax revenue and the cost of employee hours devoted to the administration of the tax sale process, including the timely issuance of redemption refunds to tax sale purchasers. The thresholds that would be set by this rulemaking are necessary to maximize the efficient operation of the tax sale by limiting the number of improved real properties sold to those with larger liabilities, so that the tax sale may be efficiently administered and to also dispose of vacant land.

OTR gives notice of its intent to take final rulemaking action to adopt these regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

**Chapter 3 of Title 9 DCMR is amended as follows:****Section 317, Tax Sale Threshold, is amended by adding a new Subsection 317.5 to read as follows:**

317.5            Only those improved real properties owing at least one thousand dollars (\$1,000) and only those unimproved real properties owing at least two hundred dollars (\$200) in taxes and advertised to be sold for the same at the 2013 tax sale held under Section 47-1346 of the D.C. Official Code shall be auctioned.

Comments on this proposed rulemaking should be submitted to Robert McKeon, Deputy Chief Counsel, Office of Tax and Revenue, no later than thirty (30) days after publication of this notice in the *D.C. Register*. Robert McKeon may be contacted by: mail at DC Office of Tax and Revenue, 1101 4<sup>th</sup> Street, SW, Suite 750, Washington, DC 20024; telephone at (202) 442-6513; or, email at [robert.mckeon@dc.gov](mailto:robert.mckeon@dc.gov). Copies of this rule and related information may be obtained by contacting Robert McKeon as stated herein.



**DEPARTMENT OF HUMAN SERVICES****SECOND NOTICE OF EMERGENCY RULEMAKING**

The Director of the Department of Human Services (Department), pursuant to the authority set forth in Sections 7, 28, 30, and 31 of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code §§ 4-753.01, 4-755.01, 4-756.01, and 4-756.02 (2008 Repl. & 2012 Supp.)), Mayor's Order 2006-20, dated February 13, 2006, and Mayor's Order 2007-80, dated April 2, 2007, hereby gives notice of the adoption of the following new Chapter 78 of Title 29 of the District of Columbia Municipal Regulations, entitled "Family Re-Housing and Stabilization" as emergency rules becoming effective immediately.

The purpose of the new chapter is to establish rules for the administration of the District of Columbia's Family Re-Housing and Stabilization Program (FRSP). The purpose of the FRSP is to provide a security deposit and a rental subsidy for up to twelve (12) months to re-house families who are homeless and who can demonstrate they are reasonably likely to have the financial means to pay their full rental costs independent of FRSP assistance within twelve (12) months.

These rules were originally published as a Notice of Emergency and Proposed Rulemaking in the *D.C. Register* on July 27, 2012, at 59 DCR 8831. Subsequently, the Department adopted emergency rules on December 10, 2012, which were published in the *D.C. Register* on January 18, 2013, at 60 DCR 415. The emergency rules expired on April 8, 2013. To ensure that the Department can still serve homeless families who are eligible for the FRSP assistance while still soliciting public comments and engaging in discussions with the advocacy community, it drafted the current emergency rules.

In accordance with Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2011 Repl.)), emergency action is necessary for the immediate preservation of the health, safety, and welfare of District residents who are homeless by supporting their rapid return to permanent housing. These emergency rules will allow the Department to resume offering security deposit and rental subsidy vouchers to eligible homeless families while it continues to solicit public comments and meet with the advocacy community.

These emergency rules are the same as those that were originally published in the Notice of Emergency and Proposed Rulemaking and subsequently in the Notice of Emergency Rulemaking. No changes have been made to the rules since either publication.

The Department adopted the emergency rules on April 30, 2013, and they went into effect at that time. The emergency rules shall expire on August 27, 2013, one hundred twenty (120) days from the date of adoption, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

Add the following new Chapter 78 to Title 29 of the District of Columbia Municipal Regulations to read as follows:

**CHAPTER 78      FAMILY RE-HOUSING AND STABILIZATION PROGRAM**

**7800      SCOPE**

7800.1      The purpose of the Family Re-Housing and Stabilization Program (“FRSP” or “Program”) is to provide assistance to rapidly re-house families who are homeless and have the capacity to quickly achieve stable housing independent of FRSP assistance.

7800.2      The provisions of this chapter shall provide the application process, eligibility criteria, benefit determination, and appeal procedures for the Program.

7800.3      Nothing in these rules shall be interpreted to mean that FRSP assistance is an entitlement. This Program shall be subject to annual appropriations and the availability of funds.

7800.4      The Department may execute contracts, grants, and other agreements as necessary to carry out the Program.

**7801      APPLICATION PROCESS**

7801.1      An authorized representative may apply on behalf of the applicant, if the applicant provides a written and signed statement stating why the applicant cannot apply in person and the name and address of the person authorized to act on the applicant’s behalf.

7801.2      Each FRSP application shall be in writing on a form prescribed by the Department and signed by the applicant or authorized representative under penalty of perjury. If the applicant is married and living with a spouse, both spouses shall sign the application as an applicant unit (hereinafter “applicant”).

7801.3      If requested by an applicant with a disability, or the authorized representative of an applicant with a disability, the Provider shall assist such applicant or authorized representative with any aspect of the application process necessary to ensure that the applicant with a disability has an equal opportunity to submit an application.

7801.4      The Department shall provide application forms, and the Provider shall accept applications from each applicant who requests assistance.

7801.5      At the time of application, each applicant shall be provided with a clear, concise, written notice containing the applicant’s rights and responsibilities and the Provider’s responsibilities with respect to the Program. The Provider shall

request that all applicants, personally or through an authorized representative, sign a document acknowledging receipt of this notice.

- 7801.6 As part of the application process, all applicants, personally or through an authorized representative, shall sign a release form authorizing the Provider to obtain or verify information necessary to process the application.
- 7801.7 Each applicant shall cooperate fully in establishing his or her eligibility, including the basis of the applicant's homelessness and how the household reasonably expects to be able to sustain housing independent of the Program at the end of FRSP assistance. This shall include, but not be limited to, providing documentation or collateral proof of:
- (a) Household composition;
  - (b) Employment status and employment history;
  - (c) Income and assets;
  - (d) Household expenses;
  - (e) Facts and circumstances surrounding homelessness, including rental and other relevant housing history;
  - (f) Financial and other assets available or obtainable in the short and long term to support housing stability;
  - (g) Facts and circumstances surrounding financial and other barriers to housing stability; and
  - (h) Facts and circumstances surrounding work experience, education, or training that can contribute to the household's ability to meet its housing costs by the end of the Program.
- 7801.8 The Provider shall give to each applicant a written request specifying the information needed to complete the application, and the Provider shall discuss with the applicant how to obtain the information. The application shall be considered complete when all required information is furnished.
- 7801.9 The Provider may use, among other things, documents, telephone conversations, personal and collateral interviews, reports, correspondence, and conferences to verify applicant information.
- 7801.10 An application shall be considered abandoned if the applicant has not obtained and provided to the Provider the required information for eligibility determination within sixty (60) calendar days of the date of application.

**7802 APPLICANT UNIT**

7802.1 The applicant unit shall be composed of each individual who lives in the same household and whose needs, assets, and income are combined to determine eligibility.

7802.2 The applicant unit shall include:

- (a) Persons related by full or half blood;
- (b) Persons related by legal adoption;
- (c) Persons related by marriage, including stepchildren and unmarried parents of a common child who live together; and
- (d) Persons with legal responsibility for an unrelated minor child or an unrelated adult with a disability.

7802.3 The applicant unit may include any person not included by § 7802.2, regardless of blood relationship, age, or marriage, whose history and statements reasonably tend to demonstrate that the individuals intend to remain together as a family unit.

7802.4 A person temporarily away from home due to employment, hospitalization, vacation, or a visit shall be considered to be living in the household. A minor child who is away at school is considered to be living in the household, if he or she returns to the home on occasional weekends, holidays, and during the summer vacations.

**7803 ELIGIBILITY CRITERIA**

7803.1 An applicant unit shall be eligible to receive FRSP assistance if the applicant unit is a family, as defined in § 7899, that:

- (a) Is currently homeless, because the applicant unit:
  - (1) Lacks a fixed, regular residence that provides safe housing, and lacks the financial means to acquire such a residence immediately, including victims of domestic violence who cannot remain in their present housing for safety reasons; or
  - (2) Has a primary nighttime residence that is
    - (i) A supervised publicly or privately operated shelter or transitional housing facility designed to provide temporary living accommodations; or

- (ii) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; and
- (3) Has no other housing options identified;
- (b) Is a resident of the District of Columbia as defined by D.C. Official Code § 4-751.01(32); and
- (c) Demonstrates that there is a reasonable expectation that the applicant will have the financial capacity to pay the full rental amount at the end of FRSP assistance. Failure to demonstrate that the household will be reasonably likely to sustain stable housing following FRSP assistance shall result in a denial of eligibility for FRSP benefits. Relevant factors for determining whether a household can reasonably be expected to have the financial means to pay the full rental costs following FRSP assistance include:
  - (1) Current income;
  - (2) Expected future income;
  - (3) Rental history;
  - (4) Employment history;
  - (5) Employment potential based on job skills, certifications, or participation in a training or employment program;
  - (6) Previous receipt of emergency rental assistance, including Emergency Rental Assistance Program or Homelessness Prevention and Rapid Re-Housing Program benefits within the last eighteen (18) months, whether applying for the same or a different financial benefit;
  - (7) Identification by the District of Columbia Housing Authority (DCHA) or other subsidized housing provider, as a household that is reasonably likely to receive DCHA or other subsidized housing within approximately twelve (12) months; or
  - (8) Other relevant factors.

7803.2

Eligible applicants or recipients that are subject to and currently sanctioned under the Temporary Assistance for Needy Families (TANF) program shall be considered to have failed to demonstrate that the household will be reasonably

able to sustain stable housing following FRSP assistance, unless the applicant or recipient can demonstrate that they are actively working to have the sanction lifted, or have or will have the financial and other resources necessary to sustain housing independent of receipt of TANF benefits.

- 7803.3 A FRSP applicant or participant determined eligible under this section shall be subject to a re-evaluation and a redetermination of eligibility at least once every four (4) months.
- 7803.4 The ability of the household to pay an increasing share of the rental payment as part of receiving additional rental assistance will be a factor in the re-determination of eligibility for additional months of assistance pursuant to § 7803.3. Households unable to meet the requirement to pay an increased share of the rental payment at the four (4) month recertification shall be evaluated on a case-by-case basis to determine their continued eligibility, based on their ability to demonstrate capacity to meet the FRSP housing stability requirement at the end of any additional rental assistance.
- 7803.5 The Provider shall complete the eligibility determination in as short a time as possible, but not later than ten (10) calendar days after the date of a completed application. The Provider shall not be responsible for delays caused by:
- (a) The applicant's failure to supply information to document facts stated in the completed application without which eligibility or benefits cannot be determined;
  - (b) The inability to contact the applicant;
  - (c) Evidence of misrepresentation in the application;
  - (d) Delay by a third party from whom the Provider has requested information and over whom the Provider has no control; or
  - (e) Any other delay in receipt of information or documentation necessary to complete the application over which the Provider has no control.
- 7803.6 The Provider shall create and maintain in the applicant's or participant's file clear and detailed documentation of the Program's eligibility and re-eligibility determination of each applicant, particularly as it relates to how the household expects to be able to pay the full rental amount after the FRSP rental subsidy ends.
- 7803.7 If an applicant is determined eligible pursuant to § 7803.1, or redetermined eligible pursuant to § 7803.3, for FRSP assistance, the Provider shall give to the applicant, personally or through an authorized representative, a Notice of Eligibility Determination and include in this notice:

- (a) A clear statement of the eligibility determination;
- (b) A clear and detailed statement that participation in the FRSP is not approved until an applicant who has been determined eligible has selected a FRSP-approved housing unit, submitted an application for and been approved by the landlord for rental of the approved unit, and has signed the FRSP Notice of Rental Subsidy Terms and Conditions form;
- (c) A clear statement that all FRSP participants shall actively and satisfactorily participate in case management or risk termination of FRSP benefits; and
- (d) A clear and complete statement of the client's right to appeal the eligibility determination through fair hearing and administrative review proceedings in accordance with § 7808, including the appropriate deadlines for instituting the appeal.

7803.8 If an applicant is determined ineligible for FRSP assistance, the Provider shall give to the applicant, personally or through an authorized representative, a Notice of Denial of Eligibility and include in this notice:

- (a) A clear statement of the denial of eligibility;
- (b) A clear statement of the factual basis for the denial;
- (c) A reference to the statute, regulation, or policy pursuant to which denial was made; and
- (d) A clear and complete statement of the client's right to appeal the denial through fair hearing and administrative review proceedings pursuant to § 7808, including the appropriate deadlines for instituting the appeal.

7803.9 An adult applicant shall be denied FRSP assistance if the household's housing crisis is the result of his or her refusal without "good cause" to accept employment or training for employment.

7803.10 An applicant shall be considered to have refused employment or training if the applicant has:

- (a) Voluntarily quit employment or a bona fide training program within three (3) months prior to application; or
- (b) Rejected an employment or a bona fide training program opportunity within the three (3) months prior to the application.

- 7803.11 “Good cause” reasons for voluntarily quitting a job or not participating in an employment training program include circumstances beyond the individual’s control, such as, but not limited to, the following, when the applicant can show with reliable or credible information, that:
- (a) Wages are below the minimum wage;
  - (b) The applicant is physically or mentally unable to perform the work or gain access to the worksite;
  - (c) Working conditions violate health, safety, or worker’s compensation regulations and present a substantial risk to health or safety;
  - (d) The employer discriminated against the applicant based on 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, status as a victim of an intrafamily offense, or place of residence or business in violation of the D.C. Human Rights Act of 1978, effective December 13, 1978 (D.C. Law 2-38; D.C. Official Code §§ 2-1401.01 *et seq.* (2007 Repl. & 2012 Supp.));
  - (e) The requirements of the job would be contrary to his or her religious beliefs;
  - (f) A household emergency exists (including domestic violence);
  - (g) The resignation is recognized by the employer as retirement;
  - (h) Child care, which is necessary for the adult applicant to accept work or training, is not reasonably available; or
  - (i) The applicant could not maintain work or participate in a training program because the applicant must take care of a family member who is either ill or has a disability.

**7804 PRIORITY DETERMINATION**

- 7804.1 Families residing in a Department-funded family hypothermia shelter, temporary shelter, and transitional housing programs or determined to be a Priority One for shelter or supportive housing pursuant to 29 DCMR § 2508.1(a)(1), shall receive the first priority for the FRSP.
- 7804.2 Families residing in a non-Department funded family shelter and housing programs within the Continuum of Care shall receive the second priority.



- 7804.3 Within each priority group, additional priority may be made based on the following:
- (a) The family's prospective ability to have the financial capacity to pay the full rental amount at the end of FRSP assistance, as demonstrated by income, documented work experience, or other relevant factors;
  - (b) The length of time the family has resided in such programs since the most recent placement;
  - (c) Need to provide a reasonable modification based on a disability; and
  - (d) Other relevant factors.

**7805 UNIT IDENTIFICATION**

- 7805.1 Participation in the FRSP is conditioned on accepting a unit that passes a housing inspection and meets the Rent Reasonableness Standard. For units that provide wheelchair accessibility, rent reasonableness shall take into account that such a unit may reasonably have a higher rent than other units in the same market or building that are not wheelchair accessible.
- 7805.2 A FRSP eligible applicant shall be assigned one (1) unit in the available unit inventory list. The Program shall consider the participant's stated needs and preferences when assigning the unit to the extent possible, considering the FRSP inventory and the housing market. Participants may also find a unit of their choice, as long as such unit passes a housing inspection required by the FRSP and does not exceed the Rent Reasonableness Standard.
- 7805.3 To facilitate timely unit identification and entry into the FRSP, the eligible applicant shall:
- (a) Select a unit from the FRSP unit inventory list or identify a unit that meets the Rent Reasonableness Standard; and
  - (b) Make a reasonable effort to meet with the Program's representative in a timely manner to view a unit, if applicable. For purposes of this subsection, refusal to meet with the Provider's representative three (3) times without good cause shall be considered not making a reasonable effort.
- 7805.4 FRSP assistance shall be provided only for housing units located within the District of Columbia, unless otherwise approved by the FRS Program. Any unit constructed before 1978 in which a child under the age of six (6) will be residing must comply with Section 302 of the Lead-Based Paint Poisoning Prevention Act,

42 U.S.C. § 4822, and implementing regulations, 24 C.F.R. part 35, subparts A, B, M, and R.

7805.5 A FRSP provider may not approve or issue a FRSP benefit for a housing unit that is owned by the FRSP provider, its parent, subsidiary, or an affiliated organization of the FRSP Provider.

**7806 RE-HOUSING AND STABILIZATION ASSISTANCE**

7806.1 FRSP rental assistance is solely for the purpose of assisting eligible households to quickly achieve housing stability by assisting them to obtain and remain in a new rental unit.

7806.2 FRSP assistance shall be “needs-based,” meaning that the assistance provided shall be the minimum amount, as determined by the Provider, needed to re-house the FRSP applicant or participant and prevent them from returning to homelessness in the near term.

7806.3 The Program shall not be obligated to provide a monetary amount for a requested service if a less costly alternative is available.

7806.4 FRSP assistance may consist of a security deposit, move-in assistance, time-limited rental subsidy, and utility assistance, in accordance with the family’s approved budget plan.

7806.5 The Program may pay up to one hundred percent (100%) of a security deposit. The maximum FRSP payment for a security deposit shall be the actual amount of the deposit, which may not exceed the cost of one (1) month’s unsubsidized rent and must meet the Rent Reasonableness Standard, up to two thousand two hundred dollars (\$2,200), except that the maximum security deposit may be higher, as determined by the circumstances and within reason, for purposes of providing a reasonable modification based on disability or large family size.

7806.6 The initial rental assistance benefit shall not exceed the equivalent of rental costs accrued over a period of four (4) months.

7806.7 During the initial four (4) month period of rental assistance, each household shall contribute toward the cost of housing no less than forty percent (40%) of their adjusted annual income, determined in accordance with the District of Columbia Housing Choice Voucher Program (HCVP) regulations found at 14 DCMR § 6200 (household contribution). For this period, FRSP rental assistance shall be the difference between the cost of housing and the household contribution. For purposes of this section, the cost of housing shall include the cost of utilities, as determined in accordance with the HCVP regulations found at 14 DCMR § 6200.

- 7806.8 Households requesting additional assistance pursuant to § 7803.3 will be expected to pay an increasing share of the rental payment as part of demonstrating their capacity to meet the FRSP housing stability requirement at the end of any additional rental assistance.
- 7806.9 Receipt of FRSP assistance is conditioned on the applicant household:
- (a) Accepting a unit that meets the Rent Reasonableness Standard and passes the FRSP housing inspection;
  - (b) Submitting a timely and complete application to the landlord for the selected and approved unit;
  - (c) Entering into a lease and complying with the terms of the lease;
  - (d) Signing the FRSP Notice of Rental Subsidy Terms and Conditions form;
  - (e) Timely payment of the FRSP participant's share of the monthly rent, in accordance with § 7806.7 and the FRSP participant's lease;
  - (f) Complying with the FRSP case management requirements set out in the Department-approved Program Rules, and, as applicable, in accordance with the family's TANF Individual Responsibility Plan; and
  - (g) Applying for all applicable public benefits and housing assistance for which the applicant is eligible, including applying for housing assistance from the DCHA, if applicable.
- 7806.10 Households receiving rental assistance shall be required to report to the Provider written notice of any change in the household's monthly income as soon as the change occurs.
- 7806.11 Upon written notification by the household of a change in the household's monthly income, the FRSP Provider shall determine if there is a need to recalculate the amount of the household's housing cost contribution, based on the following:
- (a) If the household is reporting a decrease in monthly income of fifty dollars (\$50.00) or more, the Provider shall recalculate the household's contribution. In addition, a household reporting a decrease in monthly income of less than fifty dollars \$50.00 may request that a recalculation be conducted;
  - (b) If the recalculation pursuant to paragraph (a) of this subsection results in an increase in the amount of FRSP rental assistance, the change shall be effective the first day of the month (or the next day that rent is due)

following completion of the calculation. The recalculation shall be completed within five (5) business days of receipt of written notice by the household of the decrease in household income and any documentation necessary for the Provider's recalculation;

- (c) If the household is reporting an increase in monthly income of one hundred dollars (\$100.00) or more, a Provider shall conduct a recalculation;
- (d) If the recalculation pursuant to paragraph (c) of this subsection results in a decrease in the amount of FRSP rental assistance, the change shall be effective the first of the month (or on the day that rent is next due, if different than the first of the month) following the month in which notice of the change in accordance with § 7806.12 is provided to the household, except that if the next day rent is due is less than fifteen (15) calendar days from the date the notice is either hand delivered or postmarked, the change in the FRSP rental assistance shall be effective the second month (or the second date upon which rent is due) following the month in which notice of the change made in accordance with § 7806.12 is provided to the household; and
- (e) Notice of a change in assistance pursuant to this section shall be made in accordance with § 7806.12.

7806.12 When a Provider calculates a change in FRSP rental assistance pursuant to a recertification under § 7803.2 or as a result of a reported change in income pursuant to § 7808.10, the Provider shall give to the participant household a Notice of Change in FRSP Rental Assistance. This notice shall include:

- (a) A clear statement of the factual basis for the change in rental assistance;
- (b) A reference to the regulation or policy pursuant to which the change was made;
- (c) A clear and detailed statement of the household's current FRSP rental assistance and the household's current share of the housing costs;
- (d) A clear and detailed computation of the new amount of FRSP rental assistance and the new amount of the household's share of the housing costs;
- (e) The effective date of the new amount of rental assistance in accordance with § 7806.11(b) or § 7806.11(d), whichever is applicable; and
- (f) A clear and complete statement of the client's right to a reconsideration of the recalculation by the Department or the Department's designee, if such

reconsideration is requested within ten (10) calendar days of receipt of the Notice. A reconsideration shall be completed with five (5) business days of receipt by the designated reviewer of the household’s request for a reconsideration. The five (5) business day timeframe may be tolled if the reviewer has requested documentation necessary to the review, and receipt of such documentation is pending and not within the control of the reviewer.

7806.13 Notice required by § 7806.12 shall be either hand-delivered to an adult member of the applicant household or mailed to the household by first class mail within twenty-four (24) hours of the Provider’s calculation of the change in the household’s rental assistance share. The date from which the timeliness of the notice is measured is either the date of hand delivery or, if mailed, the date the notice is postmarked.

7806.14 The FRSP rental assistance that may be issued shall not exceed two thousand two hundred dollars (\$2,200) per month for families, except that the maximum rental assistance may be higher, as determined by the circumstances and within reason, for purposes of providing a reasonable modification based on disability or large family size.

7806.15 Only in the rare circumstance where payment is required by a vendor or a controlling government authority, including but not limited to a court or federal marshal, may the benefit payment be made in the form of cash. In all other cases, all FRSP assistance payments shall be in the form of non-cash direct vendor payments.

7806.16 FRSP benefits not utilized within sixty (60) days after approval may be forfeited, absent a showing that the applicant or recipient has made reasonable efforts to use the assistance or good cause as to why the applicant or recipient could not expend the benefits.

**7807 TERMINATION OF FAMILY RE-HOUSING AND STABILIZATION ASSISTANCE**

7807.1 A Provider may terminate payment of a FRSP security deposit or rental subsidy, if a member of the household:

- (a) Possesses a weapon illegally in the unit subsidized by the FRSP;
- (b) Possesses or sells illegal drugs in the unit subsidized by the FRSP;
- (c) Assaults or batters any person in the unit subsidized by the FRSP;
- (d) Endangers the safety of any member of the household or the safety of FRSP or Department staff;

- (e) Intentionally or maliciously vandalizes or destroys the unit subsidized by the FRSP, or steals the property of any person in the FRSP;
- (f) Fails to accept an offer of appropriate permanent housing or supportive housing that better serves the household's needs after being offered two (2) appropriate permanent or supportive housing opportunities. For purposes of this paragraph, two (2) appropriate permanent housing opportunities shall include two (2) offers of any kind of public housing offered through DCHA or other similar program or entity; or
- (g) Knowingly engages in repeated violations of FRSP Program Rules; and
- (h) In the case of terminations pursuant to paragraphs (f) and (g) of this section, the Provider must have made reasonable efforts to help the client overcome obstacles to obtaining permanent housing.

7807.2 The Program shall give written and oral notice to a FRSP participating household of their termination from services at least thirty (30) days before the effective date of the termination, unless such termination is an emergency termination pursuant to D.C. Official Code § 4-754.38 (2008 Repl.). For purposes of an emergency termination pursuant to D.C. Official Code § 4-754.38, "provider's premises" shall be interpreted to mean the unit subsidized by the FRSP.

7807.3 The Program's written notice to a FRSP participating household of its termination shall include:

- (a) A clear statement of the effective date of the termination;
- (b) A clear and detailed statement of the factual basis for the termination, including the date or dates on which the basis or bases for the termination occurred;
- (c) A reference to the statute, regulation, or Program Rule pursuant to which the termination is being implemented;
- (d) A clear and complete statement of the client's right to appeal the termination through a fair hearing and administrative review, including deadlines for instituting the appeal; and
- (e) A statement of the client's right to continuation of FRSP services pending the outcome of any fair hearing requested within fifteen (15) days of receipt of written notice of a termination.

7807.4 Termination pursuant to this section refers to a termination of the Program security deposit or rental subsidy only and does not provide FRSP with any

authority that interferes with a client's tenancy rights under an agreement governed by Title 14 of the District of Columbia Municipal Regulations.

7807.5 For purposes of this section, the requirement set forth in D.C. Official Code § 4-754.36 (2008 Repl.), which requires a provider to first consider suspending the client in accordance with D.C. Official Code § 4-754.35 or to have made a reasonable effort, in light of the severity of the act or acts leading to the termination, to transfer the client in accordance with D.C. Official Code § 4-754.34, shall be interpreted to mean that the provider shall have made a reasonable effort to provide the FRSP household with a transfer to another case manager, as a means of assisting the household to meet their budget plan and comply with the FRSP approved Program Rules, prior to taking steps to terminate FRSP benefits, if appropriate under the circumstances, and if there is reason to believe that the FRSP could have foreseen that such a transfer could have been of assistance to the household in complying with the FRSP requirements.

7807.6 FRSP rental assistance shall end, but shall not be determined to be a termination of assistance subject to a fair hearing pursuant to Section 7808, thirty (30) days from the date the FRS Program determines a recipient household:

- (a) Has an adjusted gross annual household income that meets or exceeds fifty percent (50%) of the Area Median Income; or
- (b) Is able to pay one hundred percent (100%) of their monthly rent amount with fifty percent (50%) or less of the household's adjusted gross monthly income.

## **7808 FAIR HEARING AND ADMINISTRATIVE REVIEW**

7808.1 An applicant or participating FRSP household shall have ninety (90) calendar days following the receipt of a notice described in §§ 7803.7, 7803.8, or 7807.3 to request a fair hearing, in accordance with the hearing provisions of D.C. Official Code § 4-774.41, for the action that is the subject of the notice.

7808.2 Upon receipt of a fair hearing request, the Department shall offer the appellant or his or her authorized representative an opportunity for an administrative review in accordance with D.C. Official Code § 4-754.42 (2012 Supp.), except that if an eviction is imminent, the Department shall take all reasonable steps to provide an expedited administrative review to maximize resolution of the appeal in time to resolve the housing emergency and prevent the eviction.

## **7899 DEFINITIONS**

7899.1 The following terms shall have the meaning ascribed:

**Area Median Income** – the midpoint in the family income range for a metropolitan statistical area or county, as determined annually by the U.S. Department of Housing and Urban Development.

**Authorized representative** – an individual who is at least eighteen (18) years of age, who is acting responsibly on behalf of the applicant, and has sufficient knowledge of the circumstances of the applicant to provide or obtain necessary information about the applicant, or a person who has legal authorization to act on behalf of the applicant.

**Department** – the District of Columbia Department of Human Services or its designated agent.

**Family** – either of the following:

- (a) A group of individuals with at least one (1) minor or dependent child, regardless of blood relationship, age, or marriage, whose history and statements reasonably tend to demonstrate that they intend to remain together as a family unit. For the purposes of this definition, the term “dependent child” shall mean a minor or adult child, if such person has a physical, mental, or emotional impairment which is expected to be of long-continued and indefinite duration that substantially impedes his or her ability to live independently;
- (b) A pregnant woman in her third trimester;
- (c) Minor children of the applicant adult, regardless of previous living arrangements, as long as the applicant presently intends to have the children join and remain together as a family unit; or
- (d) The partner or significant other of the applicant adult, regardless of previous living arrangements, as long as he or she intends to join and remain together as a family unit, and the individuals otherwise meet the definition of family in paragraph (a) or (b).

**Housing stability** – the ability to pay housing costs, including rent and utilities, necessary to retain housing without FRSP assistance.

**Individual Responsibility Plan** – the self-sufficiency plan that the FSRP participant has entered into with the shelter, housing, TANF, or other service provider that sets out the steps and goals necessary for the participant to achieve greater housing and economic self-sufficiency.

**Minor child** – a child, including those by adoption, eighteen (18) years of age or younger.



**Provider** – an organization that receives Family Re-Housing and Stabilization funds and is authorized to administer and deliver Family Re-Housing and Stabilization services.

**Rent Reasonableness Standard** – Rent reasonableness, as defined by the United States Department of Housing and Urban Development to mean that the total rent charged for a unit must be reasonable in relation to the rents being charged during the same time period for comparable units in the private unassisted market and must not be in excess of rents being charged by the owner during the same time period for comparable non-luxury unassisted units.

**Rental payment** – a regular payment made by a tenant to an owner or landlord for the right to occupy or use property.

**Security deposit** – a sum of money paid in advance that is required by the owner or landlord for leasing property as security against the tenant's failure to fulfill the lease or security to cover damage to the rental premises.

**Vendor** – a provider of a service or product, including but not limited to landlords.

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

**NOTICE OF MEETING  
INVESTIGATIVE AGENDA**

**WEDNESDAY, JUNE 5, 2013  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

**On June 5, 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-00212 Nellie's Restaurant & Sports Bar, 900 U ST NW Retailer C Tavern, License#: ABRA-075240

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2. Case#13-CMP-00215 Langston Bar & Grille, 1831 BENNING RD NE Retailer C Restaurant, License#: ABRA-076260

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3. Case#13-CMP-00220 Queen Makeda, 1917 9TH ST NW Retailer C Restaurant, License#: ABRA-060510

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4. Case#13-251-00051 LUX, 649 NEW YORK AVE NW Retailer C Nightclub, License#: ABRA-071743

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5. Case#13-251-00043 Mason Inn, 2408 WISCONSIN AVE NW Retailer C Tavern, License#: ABRA-079644

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6. Case#13-CC-00028 Chix, 2019 11TH ST NW Retailer D Restaurant, License#: ABRA-078743

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7. Case#13-251-00042 Town House Tavern Restaurant, 1637 R ST NW Retailer C Restaurant, License#: ABRA-024682

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8. Case#13-CMP-00217 Petworth Liquors, 3210 GEORGIA AVE NW Retailer A Retail -  
Liquor Store, License#: ABRA-072626

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9. Case#13-CMP-00198 Chi-Cha Lounge, 1624 U ST NW Retailer C Tavern, License#: ABRA-  
026519

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10. Case#13-CC-00027 Vapiano, 623 H ST NW Retailer C Restaurant, License#: ABRA-076727

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11. Case#13-AUD-00029 Tackle Box, 3245 M ST NW Retailer C Restaurant, License#: ABRA-  
084952

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12. Case#13-251-00049 TruOrleans, 400 H ST NE Retailer C Restaurant, License#: ABRA-  
086210

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13. Case#13-CC-00026 Cafe AKA, 1710 H ST NW Retailer C Tavern, License#: ABRA-087668

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14. Case#13-CC-00025 The Casbah, 1128 H ST NE Retailer C Restaurant, License#: ABRA-  
088779

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
AGENDA

WEDNESDAY, JUNE 5, 2013 AT 1:00 PM  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of letter, dated May 15, 2013, from Tiffany Ogu requesting permission to store invoices and records at another location in the District. *The Brixton*, 901 U Street NW Retailer CT04, Lic.#: 82871.

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2. Review of letter, dated May 15, 2013, from Bob Santucci requesting permission to store invoices and records at another location in the District. *Avenue Suites/A Bar*, 2500 Pennsylvania Avenue NW Retailer CT02, Lic.#: 86545.

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3. Review of letter, dated May 17, 2013, from Esteban Ramirez requesting an extension until November 2013 to pay for Carolina Palace's fine. *Carolina Palace*, 3700 14th Street NW Retailer CR01, Lic.#: 21055.

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4. Review of Request for Reinstatement, dated May 23, 2013, from ANC 6B for the Tortilla Coast Protest. ANC 6B was dismissed at the Roll Call Hearing for failure to appear. *Tortilla Coast*, 400 1st Street SE Retailer CR02, Lic.#: 85922.

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5. Review of letter, dated May 24, 2013, from Thaddeus Curtz requesting that the Board dismiss the protest of the Shaw-Dupont Citizens Alliance for failure to notify Standard seven days before its meeting. *Standard*, 1801 14th Street NW Retailer CR02, Lic.#: 83769.

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6. Review of Request for Reinstatement, dated May 24, 2013, from Christina Parascandola of the Meridian Hill Neighborhood Association. The Meridian Hill Neighborhood Association was dismissed at the Roll Call Hearing for failure to appear. *La Fonda*, 2100 14th Street NW Retailer CR04, Lic.#: 85469.

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7. Review of Petition to Terminate Settlement Agreement, dated April 22, 2013, from Pi. *Pi*, 2309 18th Street NW Retailer CR02, Lic.#: 76754.\*

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8. Review of Settlement Agreement, dated May 14, 2013, between Las Placitas and ANC 6B. ***Las Placitas***, 517 8th Street SE Retailer CR01, Lic.#: 3812.\*

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9. Review of Settlement Agreement, dated May 9, 2013, between Zest Bistro and ANC 6B. ***Zest Bistro***, 735 8th Street SE Retailer CR01, Lic.#: 82432.\*

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10. Review of Settlement Agreement, dated May 8, 2013, between Ted's Bulletin and ANC 6B. ***Ted's Bulletin***, 505 8th Street SE Retailer CR02, Lic.#: 82569.\*

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11. Review of Settlement Agreement, dated May 19, 2013, between Senart's Oyster & Chop House and ANC 6B. ***Senart's Oyster & Chop House***, 520 8th Street NW Retailer CR01, Lic.#: 86142.\*

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12. Review of Settlement Agreement, dated May 14, 2013, between Boxcar and ANC 6B. ***Boxcar***, 224 7th Street SE Retailer CR01, Lic.#: 87549.\*

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13. Review of Settlement Agreement, dated May 19, 2013, between Pacifico and ANC 6B. ***Pacifico***, 514 8th Street SE Retailer CR02, Lic.#: 86033.\*

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14. Review of Settlement Agreement, dated May 19, 2013, between Chesapeake Room and ANC 6B. ***Chesapeake Room***, 501 8th Street SE Retailer CR01, Lic.#: 83029.\*

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15. Review of Settlement Agreement, dated May 14, 2013, between Ninnella and ANC 6B. ***Ninnella***, 106 13th Street SE Retailer CR01, Lic.#: 29448.\*

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16. Review of Settlement Agreement, dated May 14, 2013, between Ambar and ANC 6B. ***Ambar***, 523 8th Street SE Retailer CR02, Lic.#: 90240.\*

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17. Review of Settlement Agreement, dated May 19, 2013, between Hill Center and ANC 6B. ***Hill Center***, 921 Pennsylvania Avenue SE Retailer CX, Lic.#: 86926.\*

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18. Review of Settlement Agreement, dated May 14, 2013, between Tunnickliffs Tavern and ANC 6B. ***Tunnickliffs Tavern***, 222 7th Street SE Retailer CR01, Lic.#: 60383.\*

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Board's Agenda – June 5, 2013 - Page 3

19. Review of Settlement Agreement, dated May 14, 2013, between Beuchert's Saloon and ANC 6B. *Beuchert's Saloon*, 623 Pennsylvania Avenue SE Retailer CR01, Lic.#: 89616.\*

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20. Review of Settlement Agreement, dated May 19, 2013, between La Lomita Dos and ANC 6B. *La Lomita Dos*, 308 Pennsylvania Avenue SE Retailer CR01, Lic.#: 15387.\*

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21. Review of Settlement Agreement, dated May 1, 2013, between The Ugly Mug Dining Saloon and ANC 6B. *The Ugly Mug Dining Saloon*, 723 8th Street SE Retailer CR01, Lic.#: 71793.\*

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22. Review of Settlement Agreement, dated May 19, 2013, between The Banana Café And Piano Bar and ANC 6B. *Banana Café And Piano Bar*, 500 8th Street SE Retailer CR02, Lic.#: 26006.\*

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23. Review of Settlement Agreement, dated May 14, 2013, between Capitol Hill Tandoor and Grill and ANC 6B. *Capitol Hill Tandoor and Grill*, 419 8th Street SE Retailer CR01, Lic.#: 60689.\*

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24. Review of Settlement Agreement, dated April 17, 2013, between Lalibela Ethiopian Restaurant and the Rockingham Condominium Association. *Lalibela Ethiopian Restaurant*, 1409 14th Street NW Retailer CR01, Lic.#: 89806.\*

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25. Review of Settlement Agreement, dated April 30, 2013, between Rocklands Barbeque and Grilling Company and ANC 6D. *Rocklands Barbeque and Grilling Company*, 1271 1st Street SE Retailer CT\*, Lic.#: 91974.\*

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26. Review of Settlement Agreement Amendment, dated May 15, 2013, between Sunset Liquors, the Bates Area Civic Association and ANC 5E. *Sunset Liquors*, 1627 1st Street NW Retailer A, Lic.#: 60657.\*

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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.**

**BASIS DC****REQUEST FOR PROPOSALS: FOOD SERVICES**

BASIS DC, a public charter school, will receive bids until June 21, 2013 at 4:00PM.

BASIS DC is advertising the opportunity to bid on the delivery of breakfast and lunch meals to children enrolled at the school for the 2013-2014 school year with a possible extension of (4) one year renewals. All meals must meet at a minimum, but are not restricted to, the USDA National School Breakfast and Lunch meal pattern requirements. Additional specifications outlined in the Request for Proposal (RFP) such as; student data, days of service, meal quality, etc. may be obtained from:

Hah-Na'h Harper-Wright  
410 8<sup>th</sup> Street, NW  
Washington, DC 20004  
Main Line: (202) 393-5437  
Hahnah.wright@basisdc.org

**All proposals not addressing all areas as outlined in the RFP will not be considered.**

**CARLOS ROSARIO PUBLIC CHARTER SCHOOL**

**NOTICE OF REQUEST FOR PROPOSAL**

**Low-Voltage Installation Services**

Carlos Rosario Public Charter School is seeking bids from prospective candidates to provide **Low-Voltage Installation Services** for the implementation of a design in their new campus located at 514 V Street NE, in accordance with requirements detailed in the Request for Proposal.

An electronic copy of the full Request for Proposal (RFP) can be requested by contacting:

Jeffrey Bumgardner  
jbumgardner@blakereal.com  
(202) 778-7301



**CENTER CITY PUBLIC CHARTER SCHOOLS, INC.****REQUEST FOR PROPOSALS**

Center City Public Charter Schools, Inc. is soliciting proposals from qualified vendors for the following:

**Furniture Purchase and Installation Services:** Center City PCS would like to engage one furniture representative to meet school and office furniture needs at six charter schools and a central office space located in the District of Columbia. The goal is to enter into a contract with a professional and dynamic company that is able to meet ALL purchase, delivery, and installation requirements identified in the RFP.

**Security Camera and Access Control Upgrades Services:** Center City PCS would like to engage a security company to service four charter schools located in the District of Columbia. The goal is to enter into a contract with a professional and dynamic company that is able to meet all requirements identified in the RFP.

**Locksmith Services:** Center City PCS would like to engage one locksmith to service three charter schools located in the District of Columbia. The goal is to enter into a contract with a professional and dynamic company that is able to meet all requirements identified in the RFP.

**To obtain copies of full RFP's,** please visit our website: [www.centercitypcs.org](http://www.centercitypcs.org). The full RFP's contain guidelines for submission, applicable qualifications and deadlines.

Contact person:

Cristine Doran  
cdoran@centercitypcs.org

**CESAR CHAVEZ PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSAL****Food Service Management Services**

**Cesar Chavez PCS of Washington, DC** is advertising the opportunity to bid on the delivery of breakfast, lunch, snack and/or CACFP supper meals to children enrolled at the school for the 2013-2014 school year with a possible extension of (4) one year renewals. All meals must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal pattern requirements. Additional specifications outlined in the Request for Proposals (RFP) such as; student data, days of service, meal quality, etc. may be obtained beginning on May 31, 2012 from:

Charmayne Crider, Operations & Compliance Coordinator  
709 12<sup>th</sup> Street SE, Washington, DC 20003  
202-547-3975 ext. 21  
charmayne.crider@chavezschools.org

**Proposals will be accepted at the above address on Monday, July 1, 2013 no later than 4:00 p.m.**

**All bids not addressing all areas as outlined in the RFP will not be considered.**

**D.C. PREPARATORY ACADEMY  
REQUEST FOR PROPOSALS**

**INFORMATION TECHNOLOGY MANAGEMENT SERVICES**

D.C. Preparatory Academy Public Charter School (DC Prep) is seeking competitive proposals for information technology (IT) management services. Please email [bids@dcprep.org](mailto:bids@dcprep.org) for more details about requirements. **Bids are DUE BY JUNE 14, 2013.**

**D.C. PREPARATORY ACADEMY**  
**REQUESTS FOR PROPOSALS**

D.C. Preparatory Academy, in accordance with section 2204(c)(XV)(A) of the District of Columbia School Reform Act of 1995, hereby solicits proposals to provide:

- Accounting services
- Advertising and marketing services
- Assessment and instructional data support and services
- Business insurance
- Classroom furniture, fixtures, and equipment
- Computer hardware and software
- Curriculum materials
- Custodial services
- Employee medical benefits
- Financial audit services
- HR consulting services
- HR information systems
- Instructional support services
- Janitorial supplies
- Legal services
- Office furniture, fixtures, and equipment
- Office supplies
- Payroll services
- Printing and duplication services
- Professional development and consulting services
- Project management consulting services
- Security services
- Special education services
- Student data management systems
- Student transportation services
- Talent recruitment and development services
- Temporary staffing services
- Waste management services

Please email [bids@dcprep.org](mailto:bids@dcprep.org) for more details about requirements.

**Bids are DUE BY JUNE 30, 2013.**

## OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

## REQUEST FOR PROPOSALS

## Community Schools Incentive Initiative (CSII2013)

Announcement Date: **May 17<sup>th</sup>, 2013**Request for Application Release Date: **May 31<sup>st</sup>, 2013**Pre-Application Question Period Ends: **June 14<sup>th</sup>, 2013**Application Submission Deadline: **July 3<sup>rd</sup>, 2013**

The Office of the State Superintendent of Education (OSSE) is soliciting applications for the Community Schools Incentive Initiative. The purpose of this initiative is to establish community schools. A community school is a public and private community partnership to coordinate educational, developmental, family, health, and after-school-care programs during school and non-school hours for students, families, and local communities at a public school or public charter school with the objectives of improving academic achievement, reducing absenteeism, building stronger relationships between students, parents, and communities, and improving the skills, capacity, and well-being of the surrounding community residents.

**Eligibility:** The Office of the State Superintendent of Education will accept applications from eligible consortia proposing substantive, evidence-based approaches to creating community schools. As defined by the Community Schools Incentive Act of 2012, an “eligible consortium” is an agreement established between an LEA (on behalf of one or more schools) in DC and one or more community partners (providers of eligible services as defined in the Community Schools Incentive Act of 2012) for the purposes of establishing, operating, and sustaining a community school.

**Length of Award:** The grant award period is one year.

**Available Funding for Award:** The total funding available for this award is \$1,000,000. Eligible consortia may apply for an award amount up to \$200,000.

**Anticipated Number of Awards:** OSSE has funding available for at minimum, five (5) awards.

The RFA is posted at <http://osse.dc.gov/service/elementary-and-secondary-education>. For additional information regarding this grant competition or for RFA materials, please contact:

**Nancy Brenowitz Katz, MS, RD, LD, Project Manager**

Office of the State Superintendent of Education

Wellness and Nutrition Services Division

810 1<sup>st</sup> Street NE, 4<sup>th</sup> Floor

Washington, DC 20002

202-724-7893

[nancy.katz@dc.gov](mailto:nancy.katz@dc.gov)

**BOARD OF ELECTIONS****CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections hereby gives notice that there are vacancies in four (4) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

**VACANT: 5A04, 7D02, 7F07 and 8E03**

Petition Circulation Period: **Monday, June 3, 2013 thru Monday, June 24, 2013**

Petition Challenge Period: **Thursday, June 27, 2013 thru Wednesday, July 3, 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 DEPARTMENT OF THE ENVIRONMENT****NOTICE OF PUBLIC MEETING****Green Building Advisory Council**

The Green Building Advisory Council, which is chaired by the District Department of the Environment (DDOE), will hold a public meeting from 3:00-5:00 p.m. on Wednesday, June 5, 2013 at DDOE's headquarters, 1200 1<sup>st</sup> St., NE, Washington, DC 20002, Conference Room 718. Attendees must report to the reception area on the 5<sup>th</sup> floor, and ask the receptionist to contact Bill Updike, who will bring attendees to the meeting room. The main topic of discussion for the meeting will be an open conversation on energy data and financing of energy efficiency and renewable energy with the District's local utilities.

<b>Meeting Date:</b>	Wednesday, June 5, 2013
<b>Location:</b>	1200 First Street, NE Fifth Floor Washington, DC 20002
<b>Contact:</b>	Bill Updike District Department of the Environment 1200 First Street, NE Fifth Floor Washington, DC 20002 (202) 535-2600

Persons wishing to participate, but unable to attend may submit a written statement to Mr. Bill Updike, Green Building Specialist no later than Friday, June 14, 2013. The Green Building Advisory Council will also hold meetings in calendar year 2013 from 3:00-5:00 on August 7, October 2, and December 4. Interested attendees should follow the instructions above for all meetings in 2013.

**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 a permit (#6736) to the Naval Research Laboratory (NRL) to construct and operate the following listed diesel-fired emergency generator engine located in Washington, DC. The contact person for the facility is Keith Hull, Director, Research & Development Services Division, at (202) 767-2232.

Emergency Generator to be Permitted

<b>Equipment Location</b>	<b>Address</b>	<b>Engine Size</b>	<b>Engine Model</b>	<b>Permit No.</b>
NRL Building 54	4555 Overlook Ave. SW Washington, DC 20375-5320	171.3 kW (230 hp)	D150-8	6737

The proposed emission limits are as follows:

- a. Emissions shall not exceed those found in the following table [40 CFR 60.4205(b) 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a)]

<b>Emission Standards</b>	
<b>Pollutant</b>	<b>g/kW-hr</b>
NMHC+NO <sub>x</sub>	4.0
CO	3.5
PM	0.20

- b. 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]
- c. 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 estimated emissions from the unit are as follows:

Pollutant	Emission Rate (lb/hr)	Maximum Annual Emissions (tons/yr)
Total Particulate Matter (PM - Total)	0.06	0.01
Sulfur Oxides (SO <sub>x</sub> )	0.47	0.12
Nitrogen Oxides (NO <sub>x</sub> )	1.41	0.35
Volatile Organic Compounds (VOCs)	0.57	0.14
Carbon Monoxide (CO)	0.30	0.07

The application to construct and operate the generator 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 July 1, 2013 will be accepted.**

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

**EXCEL ACADEMY PUBLIC CHARTER SCHOOL**  
**REQUEST FOR PROPOSALS**

The Excel Academy Public Charter School (“Excel”) is soliciting proposals from vendors to provide the following services:

- I. Special Education Related Services**
- II. Facility Maintenance Services**
- III. Furniture Supplier**
- IV. Janitorial Services**
- V. Pest Management and Exterminator Services**
- VI. Technology and Equipment Services**
- VII. Psychological Assessment Services**
- VIII. Curriculum Procurement**
- IX. DC CAS Preparation Services**

To obtain an electronic copy of the full Request for Proposal (RFP), please send an e-mail to Valencia Warnock, Chief Operating Officer, at the following e-mail address: [vwarnock@excelpcs.org](mailto:vwarnock@excelpcs.org). Be sure to include the specific RFP title in the subject line.

No phone calls regarding this RFP will be accepted. No proposals submitted by facsimile or e-mail will be accepted. **All questions** should be in writing by e-mail to [vwarnock@excelpcs.org](mailto:vwarnock@excelpcs.org)

Prospective vendors must submit one (1) original proposal signed in ink and three (3) copies delivered to the school at the following address:

Excel Academy Public Charter School  
2501 Martin Luther King, Jr. Avenue, SE  
Washington, DC 20020

**All proposals must be received no later than 5p.m. on Friday, June 14, 2013.** Any proposal or modification received after this time shall not be considered.

**COMMISSION ON FASHION ARTS AND EVENTS**

**NOTICE OF PUBLIC MEETING**

**TUESDAY, JUNE 11, 2013**

**1350 PENNSYLVANIA AVENUE, NW WASHINGTON, D.C. 20004**

**ROOM 301**

The Commission on Fashion Arts and Events will hold its open public meeting on Tuesday, June 11, 2013 at 4:30pm in the John Wilson Building, room 301.

The Fashion Arts and Events Commission will be in attendance to discuss the Website for posting public meetings/minutes either on own website (to be developed if voted on), DMPED (POC website) or Open Government website (new office in DC). If you have any questions or concerns please feel free to contact Michelle Wright at 202-727-6365.

**HEALTH BENEFIT EXCHANGE AUTHORITY****NOTICE OF PUBLIC MEETING****Executive Board of the Health Benefit Exchange Authority**

The Executive Board of the Health Benefit Exchange Authority, pursuant to the requirements of Section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-0094), hereby announces a public meeting of the Executive Board. The meeting will be at 441 4<sup>th</sup> Street NW, Suite 820 N on Thursday, **June 6, 2013 at 4:30 pm**. The call in number is 1-877-668-4493, Access code 647 326 609. Topics that will be discussed include consensus recommendations from the Quality and Financial Stability Work Group.

The Executive Board meeting is open to the public.

If you have any questions, please contact Debra Curtis at (202) 741-0899.

**DEPARTMENT OF HEALTH****PUBLIC NOTICE**

The District of Columbia Board of Dietetics and Nutrition hereby gives notice of its regularly scheduled monthly meeting dates pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2009).

The District of Columbia Board of Dietetics and Nutrition's regularly scheduled quarterly meeting is the second Tuesday of the months March, June, September, and December at 9:30 a.m. The open (public) session begins at 9:30 a.m. The Board of Dietetics and Nutrition meets at 899 North Capitol Street, NE, 2<sup>nd</sup> Floor, Washington, D.C. 20002.

There are no scheduled cancellations at this time.

**DEPARTMENT OF HEALTH****PUBLIC NOTICE**

The District of Columbia Board of Pharmacy hereby gives notice of its regularly scheduled monthly meeting dates pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2009).

The District of Columbia Board of Pharmacy's regularly scheduled monthly meeting is the first Thursday of each month at 9:30 a.m. The open (public) session begins at 9:30 a.m. The Board of Pharmacy meets at 899 North Capitol Street, NE, 2<sup>nd</sup> Floor, Washington, D.C. 20002.

In observance of the Independence Day holiday, the Board will not meet in the month of July for the year 2013.

**DEPARTMENT OF HEALTH****PUBLIC NOTICE**

The District of Columbia Board of Physical Therapy hereby gives notice of its regularly scheduled monthly meeting dates pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2009).

The District of Columbia Board of Physical Therapy's regularly scheduled monthly meeting is the third Tuesday of each month at 3:30 p.m. The open (public) session begins at 3:30 p.m. The Board of Physical Therapy meets at 899 North Capitol Street, NE, 2<sup>nd</sup> Floor, Washington, D.C. 20002.

There are no scheduled cancellations at this time.

**DEPARTMENT OF HEALTH****PUBLIC NOTICE**

The District of Columbia Board of Respiratory Care hereby gives notice of its regularly scheduled monthly meeting dates pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2009).

The District of Columbia Board of Respiratory Care's regularly scheduled monthly meeting is the second Monday of each month at 9:00 a.m. The open (public) session begins at 9:00 a.m. The Board of Respiratory Care meets at 899 North Capitol Street, NE, 2<sup>nd</sup> Floor, Washington, D.C. 20002.

There are no scheduled cancellations at this time.



**DEPARTMENT OF HEALTH (DOH)  
HIV/AIDS, HEPATITIS, STD & TB ADMINISTRATION (HAHSTA)  
NOTICE OF FUNDING AVAILABILITY (NOFA)  
RFA # HAHSTA\_EBP\_061713**

**Effi Barry HIV/AIDS Capacity Building Program**

The Government of the District of Columbia, Department of Health (DOH) HIV/AIDS, Hepatitis, STD & TB Administration (HAHSTA) is soliciting applications from District organizations to participate in the Effi Barry HIV/AIDS Capacity Building Program. The Effi Barry HIV/AIDS Capacity Building Program is a multi-track training and capacity-building initiative that seeks to strengthen the infrastructure and to improve programmatic performance of medical and non-medical providers based in the District of Columbia. The Effi Barry HIV/AIDS Capacity Building Program aims to enhance the capacity and competency of the HIV workforce and to prepare organizations for the changes in HIV care, treatment and prevention brought on by the Affordable Care Act.

Up to **\$425,000** will be made available for the Effi Barry HIV/AIDS Capacity Building Program through FY 14 DC Appropriated funds. The funds are authorized by the "Effi Slaughter Barry HIV/AIDS Initiative Act of 2008." DOH is soliciting applications to support three different program areas under this RFA:

- **Linkages Applicants:** up to two (2) awards; total funding amount approximately \$80,000 with no single award more than \$50,000. Linkages applicants consist of two or more organizations that have agreed to collaborate to facilitate an integrated HIV/AIDS service delivery program model.
- **Strategic Planning Applicants:** up to seven (7) awards for organizations; total funding amount of \$220,000 with no single award more than \$50,000. Strategic Planning applicants will design sustainability plans and/or supports to manage new business relationships, such as those between clinical and non-clinical providers, for a continuum of HIV health care, support and prevention services that improve health outcomes of persons living with or at risk of HIV.
- **Effi Barry HIV/AIDS Institute:** one (1) award for an organization/capacity building provider; total funding amount \$125,000. The Effi Barry HIV/AIDS Institute is a new component designed to strengthen capacity and competency of individuals and organizations in the field of HIV and sexual health services. The awardee shall provide core knowledge on HIV, basic HIV service competencies and advanced skills in health care systems, data and health informatics, partnerships/subcontracting, and high impact prevention through a series of group level trainings and community forums.

The RFA will be available for pick up at 899 North Capitol Street, NE, 4th Floor, Washington, DC and on the website [www.opgs.dc.gov](http://www.opgs.dc.gov) under the District Grants Clearinghouse on Monday, June 17, 2013. Submission deadline is **Monday, July 22, 2013 no later than 5:00 p.m.** Applicants obtaining this RFA through the Internet must provide HAHSTA with the following c/o Jabari Bruton-Barrett (Jabari.Bruton@dc.gov):

- Name of organization
- Key contact
- Mailing address
- Telephone and fax numbers; and E-mail address

The Pre-Application meeting will be held in the HAHSTA offices located at 899 North Capital Street, NE, Washington, DC 20002 4th floor, on **Monday, July 1, 2013** from 2:30PM – 4:00PM. Please contact Jabari Bruton-Barrett at (202) 671-4946 for additional information.

**DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH  
HIV/AIDS, HEPATITIS, STD & TB ADMINISTRATION (HAHSTA)  
NOTICE OF FUNDING AVAILABILITY (NOFA)**

**Request for Applications (RFA) # HAHSTA\_HSG\_6.14.13**

**FY 2014 Housing Opportunities for Persons with AIDS (HOPWA)**

The Government of the District of Columbia, Department of Health HIV/AIDS, Hepatitis, STD & TB Administration (HAHSTA) is soliciting applications from qualified applicants to provide the following to indigent persons living with HIV/AIDS disease and their families:

- Emergency facility-based housing
- Transitional facility-based housing
- Housing-related support services

In FY 2014, approximately \$2,000,000 in Housing Opportunity for Persons with AIDS (HOPWA) funds are expected to be available from the U.S. Department of Housing and Urban Development (DCHF12F001). FY 2014 HOPWA grant awards are projected to begin October 1, 2013. Funding for FY 14 awards and possible option years are contingent upon availability of funds.

The following entities are eligible to apply for grant funds under this RFA:

- Not-for-profit, facility-based housing programs

All organizations must be located within and provide services in the District of Columbia. Funded programs must include client rental assistance or client occupancy costs, facility operations costs, and support services.

**The release date for RFA # HAHSTA\_HSG\_6.14.13 is Friday, June 14, 2013.** The District of Columbia, Department of Health, HIV/AIDS, Hepatitis, STD & TB Administration will have the complete RFA available for pick up at 899 North Capitol St. NE, 4<sup>th</sup> Floor and on the DC Grants Clearinghouse website at [www.opgs.dc.gov](http://www.opgs.dc.gov) on Friday, **June 14, 2013.**

The Pre-Application conference will be held at the District of Columbia Department of Health at 899 North Capitol St. NE, 4th Floor, Washington, DC 20002, **on Thursday, June 27, 2013, from 10:00 AM to Noon.**

**The Request for Application (RFA) submission deadline is 4:45 pm Tuesday, July 23, 2013.**

If you have any questions please contact T'Wana L. Holmes via e-mail [twana.holmes@dc.gov](mailto:twana.holmes@dc.gov) or by phone at (202) 671- 4900.

**DISTRICT OF COLUMBIA HOUSING AUTHORITY  
BOARD OF COMMISSIONERS**

**NOTICE OF PUBLIC MEETING**

1133 NORTH CAPITOL STREET, NORTHEAST  
WASHINGTON, D.C. 20002-7599  
202-535-1000

The regular June meeting of the Board of Commissioners of the District of Columbia Housing Authority (“DCHA”) will be held as follows:

Wednesday, June 12, 2013  
1133 North Capitol, NE  
1:00 p.m.

A draft agenda for the meeting of the DCHA Board of Commissioners will be posted at 1133 North Capitol Street, NE and on the District of Columbia Housing Authority website: [www.dchousing.org](http://www.dchousing.org)

**HOWARD ROAD ACADEMY****REQUEST FOR PROPOSALS****Furniture, Fixtures, and Equipment, Office and Instructional Supplies, Computers, IT  
Equipment and Software Contracts**

Howard Road Academy Public Charter School invites proposals for furniture, fixtures, and equipment, office and instructional supplies, computers, IT equipment and software contracts for 2012-2013. Proposals are to be received at the address below, on **June 10, 2013 no later than 2:00 p.m.** Bid specifications may be obtained at [www.howardroadacademy.org](http://www.howardroadacademy.org). Any questions regarding this bid must be submitted in writing to [lhenderson@howardroadacademy.org](mailto:lhenderson@howardroadacademy.org).

Dr. LaTonya Henderson  
Executive Director  
Howard Road Academy – Business Office  
2005 Martin Luther King Jr., Ave., SE  
Washington, DC 20020  
[lhenderson@howardroadacademy.org](mailto:lhenderson@howardroadacademy.org)

**Howard Road Academy will receive bids until June 10, 2013 at 2:00 p.m.**

**MAYA ANGELOU PUBLIC CHARTER SCHOOL****Request for Proposals****Custodial Services**

Maya Angelou Public Charter School in Northeast DC will receive bids until June 14, 2013 for the provision of custodial services. A contract will be awarded for the period from July 2013 to June 2014. All necessary information may be obtained from Michael Vavala at Maya Angelou Public Charter School at 5600 E. Capitol Street, NE, Room 103, Washington, DC 20019 – 202.797.8250. Deadline for submissions is close of business Friday, June 14, 2013.

**Security Services**

Maya Angelou Public Charter School will receive bids until June 14, 2013 for the provision of security at its school in Northeast DC. A contract will be awarded for the period from July 2013 to June 2014. All necessary information may be obtained from Michael Vavala at Maya Angelou Public Charter School at 5600 E. Capitol Street, NE, Room 103, Washington, DC 20019 – 202.797.8250. Deadline for submissions is close of business Friday, June 14, 2013.

**Special Education Services**

Maya Angelou Public Charter School in Northeast DC will receive bids until June 20, 2013 for the provision of special education services including but not limited to administering psychological and clinical tests to students with IEPs . A contract will be awarded for the period from October 2012 to July 2013. All necessary information may be obtained from Michael Vavala at Maya Angelou Public Charter School at 5600 E. Capitol Street, NE, Room 103, Washington, DC 20019 – 202.797.8250. Deadline for submissions is close of business Friday, June 14, 2013.

**MOTOR VEHICLE THEFT PREVENTION COMMISSION****NOTICE OF PUBLIC MEETING****THURSDAY, JUNE 13, 2013****1350 PENNSYLVANIA AVENUE, NW WASHINGTON, D.C. 20004  
ROOM 301**

The Motor Vehicle Prevention Commission will hold its open public meeting on Thursday, June 13, 2013 from 10:00 am to 12:30 pm in the John Wilson Building, room 301. The Maryland Theft Prevention Commission will be in attendance to discuss the operations of that body as well as discussions of the current state of the motor vehicle theft problem in DC, and the laws related to motor vehicle theft. If you have any questions or concerns please feel free to contact Andrew Fois at 202-727-4750.

**POTOMAC LIGHTHOUSE PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSAL (RFP)****May 28, 2013**

The Potomac Lighthouse Public Charter School, 4401 8<sup>th</sup> Street NE, Washington DC  
Will receive bids until June 24, 2013 at 1 p.m. We will be opening the bids on June 25, 2013 at  
10:30 a.m. at the Potomac Lighthouse Charter School.

The Potomac Lighthouse Public Charter School is advertising the opportunity to bid on the  
delivery of breakfast, lunch, snack and/or CACFP supper meals to children enrolled at the school  
for the 2013-2014 school year with a possible extension of (4) one year renewals. All meals  
must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch,  
After school Snack and At Risk Supper meal pattern requirements. Additional specifications  
outlined in the Request for Proposal Bid (RFP) such as; student data, days of service, meal  
quality, etc. may be obtained from: Phil Y. Bailey, Esq., Director of Support Services,  
[pbailey@lighthouse-academies.org](mailto:pbailey@lighthouse-academies.org) (email), 202-550-7742 (mobile), and 202-526-6003 (office).

All bids not addressing all areas as outlined in the RFP will not be considered.

To acquire a copy of the RFP and proposal specifications, it can be obtained at our website and  
can be downloaded at [www.charterfacilities.org](http://www.charterfacilities.org)



## DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD

## NOTICE OF PUBLIC MEETING

The District of Columbia Public Charter School Board (PCSB) hereby gives notice that it's public meeting on May 20, it approved with conditions two new charter schools to operate in the District of Columbia. Beginning in the 2014-15 school year, Academy of Hope will open as a public charter school serving adults, and Lee Montessori will open serving students PK3-K.

	<b>Applicant</b>	<b>Proposed Grades/ Ages Served</b>	<b>Educational Program</b>	<b>1st Year Grades/ No. of Students</b>	<b>Size at Capacity</b>	<b>Proposed Ward</b>
1	Academy of Hope	Ages 18 and up	Adult Education	220 students	260 students	5 and 8
2	Lee Montessori	Grades PK3-6	Elementary (Montessori)	PK-K / 70 students	200 students	TBD

## SERVE DC

## NOTICE OF FUNDING AVAILABILITY

## 2013 Make a Difference Day Grant Competition

**Summary:** Serve DC – The Mayor’s Office on Volunteerism is offering grants to support community service projects within the District of Columbia with a focus on disability inclusion for the October 26, 2013 Make a Difference Day, which coincides with National Disability Employment Awareness Month (October, 2013). **Grants worth up to \$5,000 each will be awarded.**

**Criteria for eligible applicants:** Eligible applicants are local nonprofit organizations, public or charter schools, universities, community groups, faith-based organizations, state and local units of government, and public organizations. Programs applying to Serve DC for funding must conduct the project within the District of Columbia.

An organization described in Section 501 (c)(4) of the Internal Revenue Code, 26 U.S.C. 501 (c)(4) that engages in lobbying activities is **not** eligible to apply, serve as a host site for the project or act in any type of supervisory role in the program. Individuals are not eligible to apply.

Additionally, applicants must propose to institute a closeout activity with a reflection component to promote long term service commitment.

Serve DC anticipates awarding grants of up to \$5,000 for the 2013 Make a Difference Day competition. The actual number and dollar amount of the awards will depend upon the number of approved applications received and requested dollar amounts. Please note that these are federal awards through the Corporation for National and Community Service Disability Inclusion program.

**Application:** All eligible applicants must meet all of the applicable requirements contained in the application guidelines and instructions.

**The deadline for completed applications is Monday August 5, 2013 at 5:00 pm.**

*All interested applicants must register and attend TA sessions in order to apply for funds.* Each TA session will be held at the Frank D. Reeves Municipal Center, 2000 14th Street, NW, Suite 101, Washington, DC 20009. The schedule is as follows:

- Tuesday, July 09, 2013 from 5:30pm to 6:30pm
- Tuesday, July 23, 2013 from 5:30pm to 6:30pm

**Sessions will start promptly at 5:30pm and those late will not be admitted.**

To RSVP for a TA session, please contact:

Juan Manuel Thompson  
Outreach Specialist  
(202) 727-0709 work  
(202) 727-9942 fax  
[Juan.Thompson@dc.gov](mailto:Juan.Thompson@dc.gov)

## DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT

## NOTICE OF FUNDING AVAILABILITY

12<sup>th</sup> Street NE Storefront Improvement Program

The Department of Small and Local Business Development (DSLBD) is soliciting applications from eligible applicants for its 12<sup>th</sup> Street NE Storefront Improvement Program (“Program”) grant. Through the Program, DSLBD provides one-to-one matching grant funds up to \$5,000 and technical assistance to help eligible business owners complete storefront improvements that support the Program’s objectives to: 1) Increase customer foot traffic and sales for small and local businesses; 2) Stimulate complementary private investment in 12th Street NE commercial properties; and 3) Brand the Brookland commercial district as an attractive, safe shopping destination.

The Program is managed by DSLBD with review assistance from the Washington Area Community Investment Fund (WACIF). The grant awards are funded through a \$25,000 community benefit provided by Abdo Development (Zoning Commission Order 08-24).

The Program service area is 12<sup>th</sup> Street NE between Rhode Island Avenue, NE and Michigan Avenue, NE. If awarded, Grantees will have two months to complete the storefront improvements by October 31, 2013.

**Eligible applicants** are business owners who operate in a commercial property with a storefront on 12th St., NE between Rhode Island Ave. NE and Michigan Ave., NE and meet the eligibility requirements outlined in the Program Guidelines (see below).

DSLBD will select grant recipients through a competitive application process that will assess the demonstrated need and impact of the proposed storefront improvements. Additional points are awarded: to applicants that are DC residents and/or long-time DC business; and for improvements that support the Mayor’s Sustainable DC Plan goals and/or use certified business enterprises (CBEs).

The **Request for Application** (RFA) comprises:

1. Program Guidelines, which are available online at [www.dslbd.dc.gov](http://www.dslbd.dc.gov) in the “Featured News” section of the home page; and
2. Application Form, which is available online to eligible business owners that submit an Expression of Interest form (see below).

The online submission of the **application is due by 4:00PM EDT on July 19, 2013.**

To submit an **Expression of Interest**, please:

- Visit <http://dcbiz.ecenterdirect.com> ;
- Click “Sign up to be a SBRC Client”; and
- Enter “12th Street SIP” in the notes field.

For more information, please contact Camille Nixon at the Department of Small and Local Business Development at (202) 727-3900 or [camille.nixon@dc.gov](mailto:camille.nixon@dc.gov).

**DISTRICT OF COLUMBIA TAX REVISION COMMISSION****NOTICE OF PUBLIC MEETING**

The District of Columbia's Tax Revision Commission (the "Commission") will be holding a meeting on Monday, June 3, 2013 from 3:00 p.m. to 6:00 p.m. The meeting will be held at One Judiciary Square, 441 4<sup>th</sup> Street, NW, Room 1107, Washington, DC 20001. The agenda for the meeting is below.

For additional information, please contact Ashley Lee at (202) 478-9143 or Ashley.Lee@dc.gov.

**AGENDA**

- I. Call to Order**
- II. Approval of Minutes from the May 20, 2013 Meeting**
- III. Possible Presentation by Councilmember(s)**
- IV. Demographics and Property and Individual Income Taxes**
- V. DC Properties Exempt From Real Property Tax**
- VI. Deed Recordation and Deed Transfer Taxes**
- VII. D.C. Tax Revision Commission Business**
- VIII. Adjournment**

**UNIVERSITY OF THE DISTRICT OF COLUMBIA**  
**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**NOTICE OF PUBLIC MEETING**

The regular meeting of the Board of Trustees of the University of the District of Columbia will be held on Tuesday, June 4, 2013 at 5:00 p.m. 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.** Approval of Minutes – April 17, 2013
- III.** Report of the Chairperson
- IV.** Report of the President
- V.** Committee Reports
  - a. Executive – Dr. Crider
    - i. Resolution – Appointment of Michael Rogers as Vice President for University Advancement
    - ii. Resolution – Shelley Broderick, Dean, David A. Clarke School of Law
    - iii. Resolution – Designation of University Freedom of Information Act (FOIA) Officer
    - iv. Resolution – Designation of University Ethics Officer
  - b. Committee of the Whole – Dr. Crider
  - c. Academic Affairs – Dr. Curry
  - d. Budget and Finance – Mr. Felton
  - f. Audit/Administration/Governance – Mr. Shelton
  - g. Student Affairs – General Schwartz
    - i. Communications Task Force
  - h. Community College – Mr. Dyke
  - i. Facilities – Mr. Bell
- VI.** Unfinished Business
- VII.** New Business
- VIII.** Closing Remarks

**Adjournment**

**Expected Meeting Closure**

In accordance with Section 405(b) (10) of the Open Meetings Act of 2010, the Executive Committee of 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.

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY****BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting on Thursday, June 6, 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 [linda.manley@dewater.com](mailto:linda.manley@dewater.com)

**DRAFT AGENDA**

- I. Call to Order (Board Chairman)**
- II. Roll Call (Board Secretary)**
- III. Approval of May 2, 2013 Minutes (Board Chairman)**
- IV. Chairman's Overview**
- V. Committee Reports**
  - 1. Governance Committee (Committee Chairperson)
  - 2. Human Resources and Labor Relations Committee (Committee Chairperson)
  - 3. Environmental Quality and Sewerage Services Committee (Committee Chairperson)
  - 4. Water Quality and Water Services Committee (Committee Chairperson)
  - 5. Finance and Budget Committee (Committee Chairperson)
  - 6. Audit Committee (Committee Chairperson)
- VI. General Manager's Report (General Manager)**
- VII. Consent Items (Joint-use)**

Those matters affecting the general management of joint-use sewerage facilities.
- VIII. Consent Items (Non-Joint Use)**

Those matters not affecting the general management of joint-use sewerage facilities (Voted on by members representing the District of Columbia).
- IX. Adjournment (Board Chairman)**

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

**Order No. 17606-D of Application of Dakota Points LLC, Motion of Fort Totten South<sup>1</sup> for a Third Two-Year Extension of BZA Order No. 17606-A, pursuant to § 3130 of the Zoning Regulations.**

Original Application No. 17606 was pursuant to 11 DCMR § 3104.1, for a special exception from the roof structure uniform height provisions under § 411, to construct a four-story residential building in the C-2-A District at premises 5545-5549 South Dakota Avenue, N.E. (Square 3760, Lot 10) and 5553-5575 South Dakota Avenue, N.E. (Parcel 137/86).

<b>HEARING DATE (Orig. Application):</b>	May 8, 2007
<b>DECISION DATE (Orig. Application):</b>	May 8, 2007
<b>FINAL ORDER ISSUANCE DATE (No. 17606):</b>	May 9, 2007
<b>FINAL DATE OF CORRECTED ORDER (No. 17606-A):</b>	May 9, 2007
<b>DECISION ON 2009 MOTION FOR 1<sup>ST</sup> EXTENSION:</b>	March 24, 2009
<b>FINAL DATE OF ORDER ON 1<sup>ST</sup> EXTENSION MOTION (No. 17606-B):</b>	April 7, 2009
<b>DECISION ON 2011 MOTION FOR 2<sup>ND</sup> EXTENSION:</b>	April 12, 2011
<b>FINAL DATE OF ORDER ON 2<sup>ND</sup> EXTENSION MOTION (No. 17606-C):</b>	June 19, 2011
<b>DECISION DATES ON MOTION FOR 3<sup>RD</sup> EXTENSION:</b>	April 23 and May 7, 2013

**ORDER ON THIRD MOTION TO EXTEND  
THE VALIDITY OF BZA ORDER NO. 17606-A**

The Underlying BZA Order

On May 8, 2009, the Board of Zoning Adjustment (the “Board” or “BZA”) approved the application for a special exception from the roof structure uniform height provisions under § 411, to construct a four-story residential building in the C-2-A District at premises 5545-5549 South Dakota Avenue, N.E. (Square 3760, Lot 10) and 5553-5575 South Dakota Avenue, N.E. (Parcel 137/86) (the “Subject Property”). On May 9, 2007, the Office of Zoning (“OZ”) filed in the record and served upon the parties an order approving Application No. 17606 for a special exception from the roof structure requirements of § 411 of the Zoning Regulations. However, because of a minor error in the caption of the order (BZA Order No. 17606), the Board issued a corrected summary order (BZA Order No. 17606-A) to accurately reflect that the proposal was for a four-story residential building, and not a four-unit residential building. The corrected order was in all other respects identical to BZA Order No. 17606, including its final date of

<sup>1</sup> Fort Totten South is the current property owner (“Property Owner” or “Applicant” or “Movant”) and the successor in interest to Dakota Points LLC which was the original Applicant.

**BZA APPLICATION NO. 17606-D****PAGE NO. 2**

May 9, 2007 (BZA Order No. 17606-A (the “Order”).) (Exhibit 38.) Pursuant to 11 DCMR §§ 3125.5 and 3125.9, the Order became “final” on that date and took effect 10 days later.

Under the corrected Order, and pursuant to § 3130.1 of the Zoning Regulations, the Order was valid for two years from the time it was issued – until May 9, 2009.

2009 Extension of the BZA Order

On or about March 6, 2009, counsel for the original Applicant in Application No. 17606 filed a letter with the Board requesting an extension of the validity of Order No. 17606-A.

Subsection 3130.1 of the Board’s Rules of Practice and Procedure states:

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

(11 DCMR § 3130.1.) Subsection 3130.1 was amended by the addition of the phrase “except as permitted in § 3130.6” by the Zoning Commission in Z.C. Case No. 09-01. That amendment became effective on June 5, 2009.

Although the provision does not specify whether the two-year period begins on the date the order became final or when it took effect, the Board has traditionally used the former as the start date. Therefore, Order No. 17606-A was due to expire on May 9, 2009 unless building permits were applied for on or before that date. Because the Zoning Regulations did not, at the time the request for an extension was made, contain a provision expressly authorizing the BZA to extend the validity of an order past the two-year limit set forth in § 3130.1, the Applicant requested that the Board waive that provision.

Concerning the request to extend the Order, the Board granted the waiver requested pursuant to 11 DCMR § 3100.5. That provision authorizes the Board to waive many of its rules, including § 3130.1, upon a showing of good cause shown, if the waiver would not prejudice the rights of any party, and the waiver was not otherwise prohibited by law. The Board found that the criteria under § 3100.5 had been satisfied and, through the issuance of Order No. 17606-B, the Board extended the validity of the underlying Order for a period not to exceed two years. The new expiration date for the Order was May 9, 2011.

2011 Request for Extension of the BZA Order



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On or about March 8, 2011, OZ received a second request to extend the expiration of the Order.<sup>2</sup> (Exhibit 44.)

That motion asserted that the Developers were unable to proceed with their building permit applications due to the “protracted reconstruction of the adjacent intersection by the District Department of Transportation (“DDOT”), coupled with ongoing negative economic circumstances.” (Exhibit 44.)

The Office of Planning (“OP”) supported the requests and agreed with the basis asserted. In its report OP specifically stated:

The reconstruction of South Dakota Avenue and Riggs Road was originally proposed to be completed in the fall of 2009, but work did not begin until the spring of 2010. Completion is now anticipated to occur in September 2011, at the earliest. The condition of the roadways, including lane closures, makes it difficult for the applicant to access the site with its construction vehicles. These factors are all beyond the applicant’s reasonable control.

(Exhibit 45.)

After the issuance of the order in 2009 granting the waiver, but prior to the filing of the second extension request in 2011, the Zoning Commission (“Commission”) adopted amendments to § 3130 to specifically authorize the Board to extend the time limits of § 3130.1. *Z.C. Order No. 09-01*, 56 DCR 4388 (June 5, 2009). Among other things, the new provisions allowed for only one extension of an order. (11 DCMR § 3130.6.) The rules also addressed the question of whether an order would remain valid if the Board was unable to decide a request prior to its expiration date. The rules provide that an order’s expiration would be tolled if an extension request was filed at least 30 days prior to the expiration date. (11 DCMR § 3130.9.)

As to the criteria for granting a request, § 3130.6(c) requires the demonstration of good cause through substantial evidence of one or more of the following criteria:

- (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant’s reasonable control;
- (2) An inability to secure all required governmental agency approvals by the expiration date of the Board’s order because of delays that are beyond the applicant’s reasonable control; or

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<sup>2</sup> A request for an extension of a related case, Application No. 17600, was made at the same time as that second request for an extension of Application No. 17606 and the Order that was issued referenced both applications. The current extension request, however, is just for Application No. 17606.

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- (3) The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control.

In 2011, the first question for the Board to resolve was whether the Developers were barred from making their requests due to the language in § 3130.6 which expressly allows the Board to grant only one extension. The Board did not count the 2009 extension towards this limit, as the new regulation was not in effect as of the final date of the order granting the first request for an extension, pursuant to § 6(A) of the District of Columbia Administrative Procedure Act, D.C. Official Code § 2-502 (6)(A). In granting the second request for an extension, the Board relied on 11 DCMR § 3100.5 and waived the limitation of one extension only.

The Board then found that the 2011 motion met the criteria in § 3130.6 to extend the validity of the underlying order. The failure to file for the two building permits again had been due largely to the protracted reconstruction of the adjacent intersection by DDOT. The Board found that this factor was beyond the Developers' reasonable control within the meaning of § 3130.6(c)(3) and constituted the "good cause" required under § 3130.6(c)(1). All the other conditions required by § 3130.6(b) were also met. Thus, pursuant to 11 DCMR § 3130, the Board approved a second two-year time extension of its approval in Case No. 17606 and extended the validity of Order No. 17606-A until May 9, 2013. (Exhibit 47.)

#### 2013 Request for Extension of the BZA Order

On March 12, 2013, the Board received a letter from the Applicant, which requested, pursuant to 11 DCMR § 3130.6,<sup>3</sup> a third two-year extension in the authority granted in the underlying BZA Order, which was then due to expire on May 9, 2013. (Exhibit 49.) The Applicant's March 12<sup>th</sup> letter indicated that the Order would expire before it would be able to submit a building permit application for its project at the Property because of delays resulting from factors outside of its reasonable control. The Applicant subsequently submitted additional information, including sworn affidavits, in support of the 2013 Motion to Extend on May 3, 2013, that provided documentation of the "good cause" for the extension request. (Exhibit 55.)

On April 23, 2013, the Board convened a public meeting to consider the third Motion to Extend BZA Order No. 17606-A for an additional two years. At that meeting, the Board requested additional information from the Applicant, including supporting documentation attesting to a "showing of good cause." The Board set a deadline of May 3, 2013 for the requested additional information and rescheduled the matter for consideration at a public meeting on May 7<sup>th</sup>.

On May 3, 2013, the Applicant submitted a letter containing, among other documents, two signed and notarized affidavits, one from the Managing Member of Fort Totten

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<sup>3</sup> As mentioned, § 3130.6 was adopted by the Zoning Commission in Z.C. Case No. 09-01 and became effective on June 5, 2009.

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South, LLC, the Property Owner and Applicant in this matter, and the other from the Senior Vice President of Dakota Square, LLC, successor in interest to Dakota Points, LLC, the original applicant in BZA Application No. 17606 and development partner of the Property Owner, and previous owner of the Property prior to its transfer to the current Property Owner, which together are the “development team”, to supplement the record and meet the good cause requirements of 11 DCMR § 3130.6. (Exhibit 55, Tab A.) The affidavits detailed the history of the project and the impact of DDOT’s delay in reconfiguring and reconstructing the intersection of South Dakota Avenue, Riggs Road, and 3<sup>rd</sup> Street, N.E. (the “intersection”) and portions of 3<sup>rd</sup> Street, Chillum Place, and Kennedy Street, N.E. (the “DDOT Project”) on the development team’s project. The Applicant’s documentation indicated that the intersection was initially intended to be completed in Fall of 2009; however, the DDOT work was only substantially completed by the fourth quarter of 2012 and now is just closing out in May 2013. The Movant noted that the delay in the reconstruction work of the adjacent intersection is the same primary reason upon which the Board approved the previous two extension requests.

The affidavits and other supporting documentation also described the development team’s good faith efforts to bring the project to fruition. The Applicant indicated that it had submitted a letter from the development team to DDOT, which DDOT requested in order to generate a letter to describe the timing of and efforts related to the DDOT Project. (Exhibit 55, Tab B.) Additionally, the Applicant explained that despite the difficulties to implement its project approved by the Order because of the delays caused by the DDOT Project, the development team had made sizeable efforts to obtain financing for the project. In 2008 they retained the services of Cassidy/Turley to solicit funding from third parties. However, that 2008 solicitation for funding was not successful, primarily because of the uncertainty regarding the project’s timing due to the ongoing DDOT Project and work related to the intersection. At the end of 2008, the development team retained Studley to solicit interest in financing the project; that attempt in early 2009 was also unsuccessful. The development team again sought financing in 2010. As part of that effort, in September 2010, the original applicant, Dakota Points, LLC, was recapitalized by Fort Totten South, LLC, which is an affiliate of The JBG Companies. This recapitalization allowed the development team’s project to continue to progress, although activity has remained constrained due to the delays of the DDOT Project.

The affidavits and other documentation submitted by the Applicant show how DDOT’s Project resulted in the Applicant’s property not being accessible during the term of the DDOT Project and for the boundaries of the Applicant’s property not able to be finalized until the DDOT Project is closed out. The affidavits describe how the timing of the DDOT Project was subject to a great deal of delay. According to the Applicant’s documentation, DDOT began its initial planning for the DDOT Project in 2006 and planned to complete it by Fall of 2009. Instead, for a variety of reasons including funding delays, complications discovered during the construction, including the location of significant utilities requiring relocation, and a redesign process, the completion of the Applicant’s project approved by the Order was delayed by several years. The DDOT Project also did not initially include funding for the scale of the efforts it faced. The

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Applicant indicated that three utilities (DC Water, Washington Gas, and Verizon) as well as the Federal Highway Administration were involved in the work, thus introducing additional layers of complexity and delay. Throughout this time, the Applicant has been working closely with DDOT and has continuously updated its timing as the DDOT Project's delays unfolded. The Applicant committed to continue to work closely with DDOT to finalize the DDOT Project and also to implement its own project since the two projects are significantly interrelated. (Exhibit 55.)

The Applicant served its extension request on the parties to the case and provided them the requisite 30 days in which to respond, pursuant to § 3130.6. The Applicant served the request and the documentation in support of its motion on the Chair of Advisory Neighborhood Commission ("ANC") 4B, which is the affected ANC and the only other party to the case, and on the Office of Planning ("OP"). (Exhibits 49 and 55.)

The project is within the boundaries of ANC 4B. Although ANC 4B did not submit a report or respond to the motion, the Single Member District ("SMD"), ANC 4B09, submitted a letter dated April 10, 2013, indicating his support for the extension request. The SMD's letter further stated that the development team has been active in its engagement of the community and has had numerous meetings since 2007 with the local community to discuss the project. He explained that the ANC continues to support the application and the request for another extension, but did not believe it necessary to take another vote on the matter given its prior support and full agendas. He opined that the relief approved by the Board and its extension of that Order will not create any adverse conditions. (Exhibit 52.)

OP filed a report recommending that the Board grant the Applicant's request for a two-year extension of Order No. 17606-A based on the evidence provided. In its report OP noted that reconstruction of the intersection of South Dakota Avenue and Riggs Road was originally proposed to be completed in 2009, but was not finished until this year. OP noted that until the road construction was completed, final lot boundaries could not be determined, which contributed to the Applicant not being able to secure financing, as well as not being able to access the site. OP noted that the poor economic conditions over the last several years also contributed to the Applicant's inability to secure financing. OP opined that all of these factors are beyond the Applicant's reasonable control. (Exhibit 51.)

DDOT submitted a letter dated May 6, 2013, at the Applicant's request, that described the timing and status of DDOT's reconfiguration and reconstruction of the South Dakota Avenue and Riggs Road intersection. DDOT confirmed that the DDOT Project rehabilitating the aforementioned intersection was substantially completed by July 27, 2012 and that final inspection was completed with the Federal Highway Administration on December 11, 2012. DDOT indicated that this part of its project is currently being closed out by DDOT, DC Water, and the contractor. DDOT also had asked if the Applicant would require as-builts and noted that there may be other intersection work related to the other related application (Fort Totten North, which is BZA Case No. 17600) that may be required by DDOT to be completed by the developer. (Exhibit 56.)

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A letter of support for the request for the extension of Order No. 17606-A was submitted for the record by the Lamond-Riggs Citizens Association (“Citizens Association”). The Citizens Association letter indicated that the Citizens Association had held an Executive Board meeting at which a quorum was present on April 13, 2013, and at which the Executive Board of the Citizens Association voted to pass a resolution supporting the Applicant’s extension request. (Exhibit 53.)

Limitation to One Time Extension

On December 10, 2012, the Zoning Commission took proposed action to approve Z.C. Case No. 12-11, which included text amendments to BZA Rules and Procedures – Chapter 31, specifically to 11 DCMR §§ 3130.6 and 3130.9 in regard to time extensions of the validity of orders. The text amendment would eliminate the limitation on granting more than one time extension (§ 3130.6) and also eliminate the 30-day rule for filing before the expiration date of an order so as to toll the expiration of the underlying order (§ 3130.9). The Zoning Commission took final action February 25, 2013. However, as the order and final rulemaking for Z.C. Case No. 12-11 has not as yet been issued, the text amendment is not technically finalized.

The Board took note of the recent actions by the Zoning Commission to amend 11 DCMR § 3130.6 to eliminate any limit placed upon the number of extensions allowed to be approved by the Board. Nevertheless, as the rulemaking by the Zoning Commission was not yet finalized, the Board relied on 11 DCMR § 3100.5 to grant a waiver of the effect of § 3130.6’s limitation to only one extension. Subsection 3100.5 of the Zoning Regulations authorizes the Board to waive many of its rules, including § 3130.6, upon a showing of good cause shown, if the waiver would not prejudice the rights of any party, and the waiver is not otherwise prohibited by law. The Board found that the criteria under § 3100.5 has been satisfied and waived the provision in § 3130.6 that limits time extensions to one as well as granted the request for a third time extension.

Tolling the Expiration Date of the Underlying Order

Pursuant to 11 DCMR § 3130.9, for a request for a time extension to toll the expiration date of the underlying order for the sole purpose of allowing the Board to consider the request, the motion must be filed at least 30 days prior to the date on which an order is due to expire.<sup>4</sup> The Applicant filed its request on March 12, 2013, thus meeting the required 30-day period for tolling. Pursuant to 11 DCMR § 3130.9, the Board granted the tolling of the Order’s expiration date to provide the Board time in which to consider the request for a two-year extension of that Order.

“Good Cause” for Extension

The Zoning Commission adopted 11 DCMR § 3130.6 in Zoning Commission Case No. 09-01. As mentioned herein, the subsection became effective on June 5, 2009.

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<sup>4</sup> This requirement would also be eliminated by the Zoning Commission’s rulemaking in Z.C. Case No. 12-11 once that rulemaking is finalized.

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Subsection 3130.6 of the Zoning Regulations states in full:

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

(11 DCMR § 3130.6.)

The Board found that the Applicant has met the criteria set forth in § 3130.6. The motion for a time extension was served on all the parties to the application and those parties were given 30 days in which to respond under § 3130.6(a). The Board also found that the Applicant demonstrated that it was proceeding in good faith with the project as approved through its cooperation with DDOT and in its attempts to obtain financing despite the obstacles it faced due to the poor economic climate and the delays in DDOT completing its Project. To demonstrate "good cause" for the request for a time extension, the Applicant submitted evidence of the difficulties it faced that were beyond its reasonable control including the delays in DDOT's completion of the DDOT Project which prevented the Applicant from having access to its Property and the capability of

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determining its boundaries, as well as the difficulties the Applicant had in obtaining financing to implement the project and to obtain other necessary approvals. This evidence including two sworn affidavits demonstrated the “good cause” required under § 3130.6(c)(1).

The Applicant’s time extension motion initially was put on the Board’s April 23, 2013 decision meeting agenda. At that meeting, the Board requested that the Applicant provide additional supporting documentation pursuant to the requirements of § 3130.6 and rescheduled its decision for May 7, 2013. In response to the Board’s request for additional documentation, the Applicant submitted its supplemental filing on May 3, 2013, which contained two sworn affidavits, one from the Managing Member of the Property Owner and the other from the Senior Vice President to the successor in interest to the original applicant and development partner to the Property Owner regarding the delays and difficulties to the Applicant’s project caused by the delays that occurred in completion of the DDOT Project and the Applicant’s efforts to obtain financing for the project. (Exhibit 55, Tab A.)

As discussed herein, the Applicant submitted a request for a third time extension with supplemental information including sworn affidavits in support of that request and documented the reasons for the project’s delay. The primary reason for the delay in the implementation of the Order is the delay associated with DDOT’s reconfiguration and reconstruction of the South Dakota Avenue, Riggs Road, and 3<sup>rd</sup> Street, N.E., intersection and portions of 3<sup>rd</sup> Street, Chillum Place, and Kennedy Street, N.E. While that intersection was initially anticipated to be finished in the Fall of 2009, DDOT’s work was only substantially completed in the fourth quarter of 2012 and is only closing out in May 2013. The affidavits described the Applicant’s good faith efforts to bring the project to fruition, including its multiple efforts to secure financing. The Applicant’s documentation also noted the obstacles to completing its project caused by the delays in the DDOT Project, since, throughout the term of the DDOT Project, the Applicant’s Property was not accessible and the boundaries of the Property could not be finalized until the DDOT Project is closed out. Consequently, the Property Owner has not secured financing nor been able to implement the Order. (Exhibits 49 and 55.)

The Applicant also indicated that the plans approved for the development of the site and other material facts are unchanged from those approved by the Board in its Order issued on May 9, 2007. There have been no changes to the Zone District classification or the Comprehensive Plan applicable to the property. The extension would allow the Applicant the necessary additional time in which to gain access to its Property, define the boundaries, secure financing, complete its permit plans, and file for building permits. Accordingly, the Applicant requested that, pursuant to § 3130.6 of the Regulations, the Board extend the validity of its underlying Order for an additional two years, thereby allowing the Applicant additional time to secure financing and apply for a building permit.

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At its decision meeting on May 7, 2013, the Board found that the requirements of 11 DCMR § 3130.6 had been met and granted the Applicant the two-year extension of BZA Order No. 18174 until May 9, 2015.

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

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. Pursuant to 11 DCMR § 3130, the Board of Zoning Adjustment hereby **ORDERS APPROVAL** of Case No. 17606 for a two-year time extension of Order No. 17606-A, which Order shall be valid until **May 9, 2015**, within which time the Applicant must file plans for the proposed structure with the Department of Consumer and Regulatory Affairs for the purpose of securing a building permit.

**VOTE: 4-0-1** (Lloyd J. Jordan, S. Kathryn Allen, Jeffrey L. Hinkle (by absentee ballot), and Robert E. Miller to APPROVE; one Board member 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 22, 2013

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



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

**Order No. 18294-A in the Application of Paul and Emily Thornell**, pursuant to 11 DCMR § 3104.1, for a special exception to allow the construction of an addition to an existing one-family semi-detached dwelling under § 223 of the Zoning Regulations, not meeting the lot occupancy requirements under § 403, in the R-2 District at premises 3011 Ordway Street, N.W. (Square 2067, Lot 76).

**HEARING DATE:** January 17, 2012

**DECISION DATE:** February 7, 2012

**DATE OF DECISION ON  
MOTION FOR RECONSIDERATION:** July 31, 2012

**ORDER DENYING REHEARING AND RECONSIDERATION**

On July 13, 2012, Matthew and Susan Finston (the “Finstons”<sup>1</sup>) submitted a motion for rehearing and reconsideration of the Board of Zoning Adjustment's (the “Board”) July 5, 2012 order, which granted a special exception to Paul and Emily Thornell (the “Applicant”). (Exhibit 41.) The special exception allowed the Applicant to build a two-story rear addition not meeting the lot occupancy requirements under the Zoning Regulations.<sup>2</sup> The Finstons requested a rehearing and reconsideration of the application, and alleged specific errors in the Board's order pursuant to § 3126.4. On July 26, 2012, the Applicant filed its response to the motion. (Exhibit 45.) (*See*, 11 DCMR § 3126.4.<sup>3</sup>) At a decision meeting on July 31, 2012, the Board voted to deny the Finstons' motion for rehearing and reconsideration for the reasons explained below.

**The Request for Rehearing**

Under § 3126.6, a request for rehearing may not be considered unless new evidence is submitted that could not reasonably have been presented at the original hearing. The Finstons attached two

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<sup>1</sup> The Finstons occupy property located at 3514 30th Street, N.W. The rear yard of the Finstons' property is to the north of the subject property, across a 15-foot wide public alley. The Finstons participated in the Board proceedings as a party in opposition and were represented at the public hearing by Susan Finston.

<sup>2</sup> Section 403 of the Zoning Regulations permits maximum lot occupancy of 40% in the R-2 Zone District. The proposed addition increased the lot occupancy from 38.6% to 43.5%, which equals approximately 99 square feet of additional area.

<sup>3</sup> The Applicant's agent acknowledged that the Finston's Response was not filed within the seven-day period required under § 3126, due to his being out of town when the motion was initially served. (Exhibit 44.) Because the agent only saw the motion after the seven-day period had expired, the Applicants requested a waiver of the seven-day response period. (Exhibit 44.) The Finstons stated they did not object. (Exhibit 46). Therefore, pursuant to §3100.5, the Board waived the filing requirement, finding good cause and a lack of prejudice to the Finstons.

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letters to their motion from neighbors Celestino Toribio (3518 30th Street, N.W.) and Lise Gladstone (3520 30th Street, N.W.). Both letters state their opposition to the Applicant's project. First, the letters add nothing of any evidentiary value to what already exists in the record. Even were that not the case, the Board is not persuaded that the letters could not reasonably have been presented at the original hearing in January 2012. Indeed, Ms. Toribio's letter states only that she now has a "greater understanding" of the project than she did at some unspecified time. Ms. Toribio does not explain why she did not come forward at the time of the hearing. Nor does Ms. Gladstone's letter offer any explanation as to why her letter was not presented at the hearing. Other than these two letters, the Finstons point to no additional evidence that would be proffered during a rehearing. Thus, the Board concludes that there is no new evidence, which could constitute the basis for a rehearing, and the request for a rehearing is therefore denied.

**The Request for Reconsideration**

The Finstons allege numerous errors made by the Board. However, for the reasons that follow the Board finds that these assertions lack merit.

Alleged Errors of Fact

The Finstons allege that the Board erred in finding that the alley north of the property is 15 feet wide. (Decision, Finding of Fact 3.) However, other than stating that the alley "has long been known to be a non-conforming, narrow alley [measuring] 9.5 feet in width", the Finstons offer no independent evidence to establish their claim. In contrast, the Board reasonably relied on evidence when it found that the alley is 15 feet wide; for example, the Applicant's Plans (Exhibit 9), a DC Survey (Exhibit 25), and a report from the Office of Planning ("OP") all establish that the alley is 15 feet wide. (Exhibit 28.)

The Finstons allege that the Board erred in finding that the proposed addition would not "overpower" the house and that the addition "retains elements of the house's materials". (Decision, Finding of Fact 7.) This finding was contrary to the position urged by the Finstons, namely that the house was not in scale and was incompatible with the community. However, where there is conflicting evidence, it is the Board's task to weigh the evidence and make a finding. As the trier of fact, the Board may credit the evidence upon which it relies to the detriment of conflicting evidence and need not explain why it favored the evidence on one side over that on the other. *Fleischman v. District of Columbia Bd. of Zoning Adjustment*, 27 A. 3d 554 (DC 2011), citing *French v. District of Columbia Bd. of Zoning Adjustment*, 658 A.2d 1023 (DC 1995). To be sure, the Board's decision relied on portions of the Applicant's Statement (Exhibit 3). However, nothing prohibits the Board from relying on this evidence since it was in the record.

The Finstons allege that the Applicant misled the Board regarding (a) the views of the addition from the public way and the adjacent alley, and (b) the proximity of the neighboring properties to the proposed addition. As a result it is claimed that the Board erred when it relied on the Applicant's purportedly misleading and inaccurate submissions (such as photos, elevation plans,

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and site plans). Subsection 223.2 (d) of the Zoning Regulations (Title 11 DCMR) requires the Applicant to use "graphical representations such as plans, photographs, or elevation and section drawings" to represent the relationship of the proposed addition to adjacent buildings and views from the public ways. The Applicant filed such graphical representations, and the Board found that they accurately depicted the relationship of the addition to adjacent buildings and views from the public ways, including the adjacent alley to the north. (Decision, Finding of Fact 9.) The claim that such representations have been found to be inaccurate is both incorrect and an attempt to re-argue a position already rejected by the Board.

Finally, the Finstons claim that the Applicant (or his representative) refused to provide them with copies of the documents that they filed. The motion cites the instructions on the application form for such a requirement. First, there is nothing on the application form that requires an applicant to serve any member of the public with anything. Second, except for the proposed filing of findings of facts pursuant to § 3121.4, the only other time service required is if the Board requests post-hearing submissions and specifically requires services on other parties. In this case, the Board left the record open for photos or other information that the parties cared to submit, but did not require service. In fact, both the Applicant and Finstons made such submissions (Exhibits Nos. 38 and 39) and neither indicates service upon the other. Since the Board did not allow responses to any submissions made, any absence of service prejudiced neither party.

The Finstons claim the Board erred in finding that the neighboring property owners would not be unduly impaired in the use and enjoyment of their homes due to the provisions of the required rear yard and the 15 foot-wide public alley. (Decision, Findings of Fact 11 and 12.) They argue that this conclusion is false and that the Board erroneously "waived" the rear yard requirement. They also claim that the Board erred in finding that the 15-foot alley provided a buffer zone because the alley was only 9.5 feet. All of these claims are incorrect.

First, the Board did not "waive" the rear yard requirement. It found, based upon OP's analysis, that the Applicant met the 20-foot rear yard requirement, and that rear yard relief was therefore not required. (Decision, p. 1, n. 1 "The Office of Planning [concluded] that the rear yard relief was not necessary, as the irregularly shaped lot had a rear yard with a mean horizontal distance in excess of the required 20 feet. The Board agreed with the Office of Planning and the Applicant and determined that rear yard relief was not required for the proposed addition."). Even if this were not correct, the failure of an applicant to request all of the zoning relief needed is not a basis for denying the relief actually requested. *See Application No. 18250 of Raymundo B. Madrid* (2011). As to the buffer, as discussed previously, the Board found that the alley was 15 feet wide based upon the evidence of record. Therefore, it could reasonably find that the 15-foot alley created a buffer.

The Finstons claim that the Board erred in finding that, as viewed from the public way, the proposed addition will not visually intrude upon the character or scale and pattern of neighboring homes. (Decision, Finding of Fact 13.) The Board had substantial evidence upon which to base this finding, including the opinion of OP and Advisory Neighborhood Commission ("ANC") 3C.

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Specifically, the ANC noted that the proposed addition is "small in scale and does not intrude upon the character, scale and pattern of houses along the street frontage." (Exhibit 34.) The Board found the ANC's advice to be persuasive and concludes that the Finstons are once more rearguing issues raised and decided by the Board.

The Finstons allege that the Board erred by omitting various facts and by failing to make certain findings in their favor; for example, that the addition would result in increased noise and that the addition would substantially impair the privacy and enjoyment of their property. However, the Finstons cite no specific evidence of record to support their claim. Quite the opposite, the evidence of record suggests a lack of adverse impacts to neighboring properties. Several neighbors supported the application, and ANC 3C expressed "no objection" to the project. (Exhibit 34.) Moreover, OP concluded that the addition should *not* have an undue impact on the privacy of neighbors to the north. (Exhibit 28, p. 4.) Therefore, the Board had ample basis for finding as it did.

The Finstons also attack OP's report and ANC 3C's report, stating that neither had the final plans before them when they issued their reports. A similar argument is made with respect to the letters received in support. With respect to OP, this is incorrect. The OP report clearly states at page 1: "On December 9, 2011, the Applicant filed a supplemental submission which made minor changes to the original proposal and provided copies of letters from neighbors. The changes did not alter the relief requested." While the ANC may not have had the final plans when they wrote their report, the project's footprint and massing had not changed materially since the drawings had been presented to them. (Exhibit 39, Statement from Applicant's Architect.) It is safe to assume, therefore, that the ANC report would not have significantly changed, or even that a subsequent report would have been issued had the ANC possessed the updated plans. The same may be said for the authors of the letters in support.

Alleged Misapplication of Relevant Standards

*General Test for Special Exception Relief*

The Board concluded that the special exception would be in "harmony" with the general purpose and intent of the Zoning Regulations and Zoning Maps. (Decision, Conclusions of Law, p. 5.) The Finstons seem to claim that it was not possible for the Board to reach this conclusion. Again, the Finstons are using the reconsideration process as a pretext to rehash arguments made and rejected by the Board.

*"Special conditions" for a Special Exception Under § 223*

The Finstons claim that the Board "misapplied" the relevant standards under § 223, claiming the Board ignored evidence regarding adverse impacts on neighboring properties such as loss of privacy, loss of green cover and vegetation, the impact of slope on noise levels, the placement of windows, and the project's incompatibility with the neighborhood. First, the Finstons do not point to a single shred of evidence that supports their claim of adverse impacts in the above

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respects. Second, the Board did not misapply the regulatory standards. The Board evaluated the application under the criteria of §§ 223.1, 223.2(a), 223.2(b), 223.2(c), 223.2(d), 223.3, and 223.4. The Finstons repeat the same arguments throughout their motion. For instance, they claim that the Applicant's photos and elevations were "misleading" and did not accurately depict the location of structures. Again, these arguments were made during the hearing and were rejected. (See, Post-Hearing submission, Exhibit 38, p. 2-5.)

**Other Miscellaneous Allegations**

The Finstons claim that the Board erroneously gave great weight to the ANC report because the ANC did not provide a detailed narrative analysis or justification in its report. Again, this is incorrect. All that is required of an ANC is that its recommendations "be in writing and articulate the basis for its decision." D.C. Official Code § 1-309.10 (d)(1). The ANC report met this requirement.

The Finstons claim that the Board should have credited various letters in opposition that they believe "demonstrate[d] [an] accurate understanding of the proposed addition". (Motion, p. 6.) The Board is required to resolve all disputed material issues. It is not required to comment on each and every piece of evidence that it receives, or explain why a particular letter should or should not be credited. *Fleischman, id.*

In conclusion, the Finstons have not identified any legal or factual errors, or any other basis upon which the Board should rehear or reconsider its decision in this case. For these reasons, it is hereby **ORDERED** that the Motion for Rehearing and Reconsideration is **DENIED**.

**VOTE:**           **4-0-1**           (Lloyd J. Jordan, Rashida Y.V. McMurray, Jeffrey L. Hinkle, and Marcie I. Cohen, voting in support of the motion to DENY; Nicole C. Sorg not voting, being necessarily absent)

**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 20, 2013

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

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

**Application No. 18552 of Christopher Scott Fay and Brett DeWitt**, pursuant to 11 DCMR § 3104.1, for a special exception under section 223, to allow a rear addition to an existing one-family row dwelling and conversion to a flat not meeting the lot occupancy (section 403), and nonconforming structure (subsection 2001.3) requirements in the R-4 District at premises 939 T Street, N.W. (Square 361, Lot 814).

**DECISION DATE:** May 21, 2012 (Expedited Calendar)

**SUMMARY ORDER**

**SELF-CERTIFIED**

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

Pursuant to 11 DCMR § 3181 this application was tentatively placed on the Board's expedited calendar for decision without hearing as a result of the applicant's waiver of their right to a hearing.

The Board provided proper and timely notice of the decision meeting for this application together with the information required by 11 DCMR § 3118.5 by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (ANC) 1B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1B, which is automatically a party to this application. ANC 1B did not submit a letter in the application. The Office of Planning (OP) submitted a report in support of the application. The Department of Transportation submitted a report of no objection to the application. The Board received letters in support from neighbors.

No objections to expedited calendar consideration were made by any person or entity entitled to do by §§ 2118.6 and 2118.7 and no requests for party status were received. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant 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 special exception under section 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 report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general

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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 14 – Plans) be **GRANTED**.

**VOTE:**           **4-0-1**           (Lloyd J. Jordan, Macie I. Cohen, S. Kathryn Allen and Jeffrey L. Hinkle to APPROVE. The third mayoral seat vacant.)

**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 22, 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

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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. 18561 of Drey Samuelson and Lisa Herrick**, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear addition to an existing one-family detached dwelling under section 223, not meeting the rear yard (section 404) and nonconforming structure (subsection 2001.3) requirements in the R-1-B District at premises 6208 31st Street, N.W. (Square 2333, Lot 62).

**DECISION DATE:** May 21, 2012 (Expedited Calendar)

**SUMMARY ORDER**

**SELF-CERTIFIED**

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

Pursuant to 11 DCMR § 3181 this application was tentatively placed on the Board's expedited calendar for decision without hearing as a result of the applicant's waiver of their right to a hearing.

The Board provided proper and timely notice of the decision meeting for this application together with the information required by 11 DCMR § 3118.5 by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (ANC) 3G and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3G, which is automatically a party to this application. ANC 3G submitted a letter in support of the application. The Office of Planning (OP) submitted a report in support of the application. The Department of Transportation submitted a report having no objection to the application.

No objections to expedited calendar consideration were made by any person or entity entitled to do by §§ 2118.6 and 2118.7 and no requests for party status were received. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant 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 special exception under section 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

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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 4 – Plats) be **GRANTED**.

**VOTE: 4-0-1** (Lloyd J. Jordan, Marcie I. Cohen, S. Kathryn Allen and Jeffrey L. Hinkle to APPROVE. The third mayoral member vacant.)

**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 22, 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

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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  
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 05/21/13, the Board of Zoning Adjustment voted 4-0-1 to hold closed meetings telephonically on Monday, June 3rd, June 10<sup>th</sup>, June 17<sup>th</sup>, and June 25<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 June 4<sup>th</sup>, 10<sup>th</sup>, 17<sup>th</sup> and 24th.

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

**LLOYD J. JORDAN, CHAIRMAN, 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. 05-30C**  
**Z.C. Case No. 05-30C**  
**Karajoel, LLC**  
**(PUD Modification @ Square 3719)**  
**May 13, 2013**

Pursuant to notice, the Zoning Commission for the District of Columbia ("Commission") held a public hearing on February 21, 2013 to consider an application from Karajoel, LLC ("Applicant"), owner of Lot 41 in Square 3719 ("Property" or "Subject Property"), for approval of a modification to a planned unit development ("PUD") approved pursuant to Z.C. Order No. 05-30. The Commission considered the application pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). 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 November 13, 2012, the Applicant submitted an application to the Commission for approval of a minor modification to a PUD approved pursuant to Z.C. Case No. 05-30. (Exhibit ["Ex."] 1-1D, 4.)
2. Pursuant to Z.C. Order No. 05-30, the Commission approved a PUD for former Parcels 126/24 and 126/74, and Lots 69, 70, 71, 72, 73, 801, 824, and 826 in Square 3714, and former Lot 858 in Square 3719, of which the Subject Property is a portion. The Subject Property contains 83,140 square feet of land area and two existing buildings.
3. The approved PUD includes construction of a residential development of 169 units – including 38 detached single-family dwellings, 73 townhomes, and 58 condominium apartments – containing approximately 369,684 square feet of gross floor area. Furthermore, the project will include 14 units (three townhomes and 11 condominiums) offered as affordable housing units. The affordable apartment units will be distributed vertically and horizontally throughout the two apartment buildings. The three affordable townhouse units will be units randomly distributed with not more than one per group of townhouses. The project will have an overall density of 0.73 floor area ratio ("FAR") and a maximum building height of approximately 40 feet for the townhouses and single-family homes. The project includes a total of over 186,000 square feet of green space within the development.
4. After the PUD was approved pursuant to Z.C. Order No. 05-30, the original applicant sold off its interest in the apartment component of the project to the Applicant. Now, the Applicant owns the apartment component and the existing two buildings on the original PUD site. The original applicant continues to own the entirety of the detached house and townhouse portion of the PUD. (Ex. 1.)
5. Pursuant to Z.C. Order No. 05-30A, which became final and effective on March 13, 2009, the Commission approved the validity of Z.C. Order No. 05-30 for a period of two

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- additional years, such that a building permit application for the PUD must be filed no later than January 19, 2011 and construction must start no later than January 19, 2012.
6. Pursuant to Z.C. Order No. 05-30B, which became final and effective on April 13, 2012, the Commission approved the validity of Z.C. Order Nos. 05-30 and 05-30A such that construction must start no later than January 19, 2013.
  7. The Applicant now seeks a modification to the approved PUD. Specifically, the Applicant requested approval to change the use of the smaller existing building from apartments to an adult day treatment facility and to reduce the total number of condominium apartments to 46, all of which will be in the larger existing building. In addition, the Applicant requests the approval of a small addition to the smaller building to accommodate the adult day treatment facility. Further, the Applicant requests that the existing larger building that will become apartments not be expanded, as previously approved. Finally, the Applicant has requested an extension of the validity of the PUD such that the Applicant may apply for a building permit up to two years from the effective date of this Order. Except for the modifications and the conditions contained herein, the proposed project, in all other respects, will be substantially consistent with the prior approval and the conditions set forth in Z.C. Order Nos. 05-30, 05-30A, and 05-30B. The PUD and Zoning Map amendment approved in Z.C. Order Nos. 05-30, 05-30A, and 05-30B shall otherwise remain the same. (Ex. 1, 13-13D, 25.)
  8. On November 20, 2013, the Office of Planning (“OP”) submitted a report recommending that the application be heard at a public hearing rather than as a minor modification. (Ex. 5.)
  9. At its December 10, 2012 public meeting, the Commission set the case down for a public hearing as a contested case. (12/10/12 Transcript [“Tr.”] at pp. 79-81.)
  10. On December 17, 2012, the Applicant submitted a letter requesting a hearing date. (Ex. 7). On February 1, 2013, the Applicant submitted supplemental information, including a traffic and parking analysis for the proposed modification as well as revised plans for the proposed apartment building. (Ex. 13.)
  11. After proper notice, the Commission held a hearing on February 21, 2013 on the application. Advisory Neighborhood Commission (“ANC”) 4B was automatically a party. The Commission received no requests for party status.
  12. OP provided a report dated February 8, 2013 and provided testimony at the hearing in support of the application with conditions. The contents of the report are discussed below. (Ex. 15; 2/21/13 Tr. at pp. 103-04.)
  13. At the public hearing, the Commission heard testimony and received a report from the District Department of Transportation (“DDOT”) stating that the proposed adult day

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- treatment facility would not have adverse operational or safety impacts on the roadway network or study intersections. (Ex. 14; 2/21/13 Tr. at pp. 104-06.)
14. At the public hearing, the Applicant testified that despite its best efforts to find a partner to develop the both buildings with residential uses, it was unable to interest a residential developer because of the high cost of renovating the buildings for a comparably small number of units. The Applicant further testified that it subsequently sought other partners to develop the site and that charter schools tended to express the most interest. The Applicant testified that, out of respect for the community's wishes, it declined to partner with charter schools. The Applicant testified that Metro Homes, the proposed adult day treatment facility operator, would be the best partner for the smaller existing building because it would have the fewest impacts on the community and its purchase of the smaller building would then allow redevelopment of the larger existing building into condominium apartments. (2/21/13 Tr. at pp. 19-23.)
  15. The Applicant testified about his commitment to involving the community in selecting a development partner. The Applicant testified that in the more than three years that it has sought a development partner, it has extensively engaged members of the community and ANC 4B. The Applicant testified that it met with Councilmember Muriel Bowser no less than four times and attended at least 10 community and ANC meetings. In addition, the Applicant testified that it engaged members of the community about Metro Homes at least nine months prior to the hearing date. (2/21/13 Tr. pp. 20-23.)
  16. The Applicant's architect testified that the modification to the PUD will result in a few changes to both existing buildings that differ from the original PUD. The modification will include 27 surface parking spaces for the smaller building and 46 surface spaces for the larger building. The larger building will not include an underground parking garage. The larger building will not be enlarged and will contain the 11 of the affordable condominium units that have yet to be constructed. (2/21/13 Tr. at pp. 27-30.)
  17. The Applicant's architect further testified that the smaller building will be used entirely by Metro Homes for its offices and adult day treatment program. The cellar and first floors would contain classrooms, activity rooms, a kitchen, and a cafeteria. The second and third floors will contain offices. The smaller building will receive an addition of approximately 1,095 square feet on the first floor to accommodate the cafeteria. The Applicant will slightly modify the building's exterior, which will include extending the elevator to the third floor, adding dormers, and constructing a deck on part of the roof. (Ex. 1; 2/21/13 Tr. at pp. 34-42.)
  18. In writing and at the public hearing, a representative of Metro Homes testified that the adult day treatment facility will accommodate 110 participants and 26 staff. However, the representative of Metro Homes testified that the average daily attendance will be approximately 93 participants. (2/21/13 Tr. at p. 52.)

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19. The representative of Metro Homes further testified that Metro Homes will operate a small fleet of vans to transport participants to and from the facility. Metro Homes currently does this at its existing facility. The vans generally will arrive between 8:30 a.m. and 10:30 a.m. Monday through Friday to drop-off participants, with three or more vans unloading at a time. All participants will be escorted into the facility. Vans will pick-up participants from the facility between 2:00 p.m. and 4:30 p.m. (Ex. 13A; 2/21/13 Tr. at pp. 50-52.)
20. The Applicant's traffic expert provided testimony in writing and at the hearing that the proposed modification to include an adult day treatment facility with 110 participants and 27 staff will have only a minimal effect on traffic on the studied streets and intersections. The Applicant's traffic analysis assessed the impact of the arrival of participants by vans as well as all of the staff's arrival by automobile. In addition, the traffic analysis' background conditions included the planned charter school approximately one block from the Property. (Ex. 13A; 2/21/13 Tr. at pp. 55-57.)
21. ANC 4B initially submitted a report and resolution in opposition to the application, and a representative of the ANC testified in opposition at the public hearing. However, following the public hearing, the ANC changed its position and submitted a letter and resolution in support of the application based on a private agreement between the Applicant and community organizations in which the Applicant agreed to conditions regarding the proposed modification. The contents of the final ANC report are discussed more fully below. (Ex. 16, 26.)
22. Judi Jones, a nearby resident and ANC 4B commissioner, submitted a letter in support of the application. She stated that the adult day treatment facility would be an appropriate use and that she supports the application because it would allow redevelopment of the larger existing building. (Ex. 18.)
23. Stan Voudrie, Manager of Four Points LLC, testified in support of the application. Mr. Voudrie testified that Four Points is developing the townhouse and detached single-family dwelling portion of the original PUD. He stated that he has not received any negative feedback from salespeople or house purchasers about the proposed adult day treatment facility. (2/21/13 Tr. at pp. 143-45.)
24. On February 15, 2013, the Lamond-Riggs Citizens Association, the Lamond Community Action Group, and the Lamond-Riggs Development Task Force (the "Community Organizations") submitted a letter in opposition to the application. The Community Organizations also testified in opposition at the public hearing. The Community Organizations acknowledged the extensive dialogue with the Applicant but opposed the application based on the original vision for the PUD as an all residential community and lingering concerns about Metro Homes' van traffic. In addition, the Community Organizations expressed concerns about the number of participants in the adult day treatment facility, visitor parking for the adult day treatment facility, construction



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management, community, amenities and design. Following the public hearing, the Community Organizations entered into a separate agreement with the Applicant to address their concerns. Following the agreement, the Community Organizations changed their position and supported the application. (Ex. 17, 26; 2/21/13 Tr. at pp. 150-159.)

25. On March 22, 2013 the Applicant submitted supplemental information in response to questions and requests during the public hearing. Such information included a more detailed site plan, floor plans showing affordable units, a landscaping plan, and a circulation plan for Metro Homes' vans. (Ex. 25-25C.)
26. The Commission finds that the Applicant's separate agreement with the Community Organizations adequately addresses all of the Community Organizations' concerns.
27. At a public meeting held on April 8, 2013, the Commission took proposed action to approve the application.
28. At a public meeting on May 13, 2013, the Commission took final action to approve the application in Z.C. Case No. 05-30C, subject to conditions.

### **Benefits and Amenities**

29. The Commission found in Z. C. Case No. 05-30 that a number of public benefits and amenities will be created as a result of the approved PUD. (See Z.C. Order No. 05-30.) The Commission finds that approval of the proposed modification will result in a number of public benefits and amenities, including:

- a. *Housing and Affordable Housing*

The modification will result in the construction of 46 condominium apartments, 11 of which will be affordable for households making at or below 80% of the Area Median Income; (Ex. 1.)

- b. *Urban Design, Architecture, Landscaping, or Creation of Open Spaces*

The relocation of an existing operation to an improved facility represents an adaptive reuse of an existing structure with minor modification to the building's structure. This is a sustainable element of the proposal while accommodating a much needed service beneficial to the city as a whole; and (Ex. 15.)

- c. *Uses of Special Value*

The Applicant agreed to make the following community amenities and public benefits: (Ex. 25C.)

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- i. **Use of two large meeting rooms in the Metro Homes facility.** Metro Homes will provide the community with access to the 1,300 square foot training room, and 1,500 square foot cafeteria when the Metro Homes is not operating, subject to a separate agreement;
- ii. **Support community events.** The Applicant will support the expenses associated with two community events annually for 10 years in an amount not to exceed \$1,000 per year. The Applicant and the Community will make separate arrangements for the disbursements of those funds;
- iii. **Incorporate a car sharing location.** The Applicant will provide a permanent space for a car sharing station in or near the overflow parking area at the condo building site. The Applicant will make best efforts to arrange for such a car sharing service to locate at the PUD;
- iv. **Support community association services.** The Applicant will support administrative and constituent services in the amount of \$2,000 each (totaling \$6,000) to the following community organizations: Lamond Riggs Citizens Association, Lamond Community Action Group, and Citizens Aware. The contributions will be distributed prior to the issuance of a Certificate of Occupancy for the condominium. The Applicant and the officers of the listed organizations will make arrangements for the specific distribution of the contributions; and
- v. **Add sidewalks from 76 Peabody to 42 Peabody (across from site) and curbs on opposite side of Sligo Mill Rd. in 6000 block.** The Applicant will pay for or install approximately 300 square feet of sidewalk, in coordination with the D.C. Department of Transportation. This condition is contingent on the Applicant or DDOT developing a feasibility study and implementation plan, and may be revoked if the study results are that the sidewalk plan is not feasible. If given DDOT approval, the installation timing will coincide with the sidewalk installation planned for the PUD site.

### **Zoning Flexibility**

30. In the original PUD, the Commission granted the following areas of flexibility from the Zoning Regulations:

*Flexibility from §§ 410 and 2516.* Section 410.1 provides that in an R-5 Zone District, if approved by the Board of Zoning Adjustment as a special exception, a group of one-family dwellings, flats, or apartment houses, or a combination of these buildings, with division walls erected from the ground or lowest floor up, may be erected and deemed a single building for the purpose of the Zoning

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Regulations. (11 DCMR § 410.1.) Section 2516 allows multiple buildings on a single, subdivided record lot, which is useful where—as here—there are large, deep lots having a smaller amount of street frontage.

As shown on the proposed site plan [...] the Applicants proposed to erect the townhomes in groups of buildings. All buildings in each group will be erected simultaneously, and all front entrances of the group will abut either a street, front yard, or front court. However, since the Subject Property has a large land area compared to the amount of street frontage, the Applicants proposed that the Commission treat each grouping of townhomes as a single building for the purpose of the Zoning Regulations so that each individual dwelling need not satisfy all the area and bulk provisions.

*Flexibility from Yard Requirements.* Pursuant to § 405.9, side yards provided in the R-5-A Zone District must have a minimum width of eight feet. A rear yard with a minimum depth of 20 feet is also required. (11 DCMR § 404.1.) For lots having no street frontage, a front yard equal to the minimum required rear yard is also required by § 2516.5(b). The Applicants requested flexibility from these requirements because a number of the yards provided will be less than the required width. As shown on the proposed site plan [...] the Applicants designed the layout of the proposed development to meet as many of the applicable zoning requirements as possible. However, due to design and massing features of the project, and the clustering of units to ensure open space, a number of units will not have complying yards. However, the project will include a significant amount of open space, as the overall lot occupancy is approximately 26.6%, and approximately 36.9% of the Subject Property will be devoted to open, green space.

31. Through this modification application, the Applicant seeks additional relief to permit an adult day treatment facility use. This use is permitted as a special exception under §§ 205 and 3104 of the Zoning Regulations. The Commission is authorized by § 2405.7 of the Zoning Regulations to approve special exception uses through a PUD.
32. No additional zoning flexibility was requested, or is granted through this Order.
33. The Application satisfies the special exception requirements of §§ 205 and 3104 of the Zoning Regulations, as follows:
  - a. The center or facility shall be capable of meeting all applicable code and licensing requirements; (§ 205.2.)

The proposed facility is the relocation of an existing facility operating at a different location since 2001. The operator understands that the renovated

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building will be inspected for code and licensing compliance prior to its operation at this location.

- b. The center or facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance; (§ 205.3.)

Drop-off and pick-up would be solely with the PUD site on private streets. Clients would be brought to the site by van, with approximately 22 van arrivals between the hours of 8:45 a.m. and 12 noon, with a similar departure between 2:00 p.m. and 3:30 p.m. Food delivery to the site would occur once per day prior to noon. The Applicant agreed to a condition that no van queuing shall occur on adjacent public streets.

DDOT concluded in its report that the proposed adult day treatment facility would not have adverse operational or safety impacts on the roadway network or study intersections.

- c. The center or facility shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors; (§ 205.4.)

The facility has a maximum of 26 staff persons, some of whom may drive to the site. The facility satisfies its on-site parking requirement of one-space per employee using the areas identified as alleys on the Applicant's site plan. Up to five overflow parking spaces are available at the residential building to the east of the facility.

- d. The center or facility, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual, or other objectionable conditions; (§ 205.5.)

The facility clients will not participate in outdoor activities. There are no other objectionable impacts.

- e. The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties; (§ 205.6.)

No residential homes front on the parking areas along the alley of the facility. OP recommended that no special screening features were necessary.

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- f. Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at center or facility in traveling between the play area and the center or facility itself; (§ 205.7.)

Off-site play is not a feature of the facilities programming.

- g. The Board may approve more than one (1) child/elderly development center or adult day treatment facility in a square or within one thousand feet (1,000 ft.) of another child/elderly development center or adult day treatment facility only when the Board finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors; (§ 205.8.)

There are no other like facilities within a 1,000 foot radius.

- h. Before taking final action on an application for use as a child/elderly development center or adult day treatment facility, the Board shall submit the application to the D.C. Departments of Transportation and Human Services, the D.C. Office on Aging, and the D.C. Office of Planning for review and written reports; (§ 205.9.)

The Office of Planning noted in its report that it had referred the application to the appropriate government agencies for comment.

- i. The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center or facility can meet all licensing requirements set forth in the applicable laws of the District of Columbia; and (§ 205.10.)

The D.C. Department of Human Services did not provide comments.

- j. The special exception 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 use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. (§ 3104.1.)

The proposed facility satisfies the purpose and intent of the Zoning Regulations and Map. It is well separated from the single-family residential uses of the approved PUD by an alley, so as not to adversely impact the use of the neighboring properties. No outdoor activity is programmed by the proposed use and the facility would not be in operation on weekends or during the evening hours when residents would most likely return from work. The community will have access to the kitchen facility and community room for meetings.

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### **Final Office of Planning Report**

34. OP submitted a final report on the modification application dated February 8, 2013. The report evaluated whether the newly proposed adult day treatment facility satisfied the established special exception criteria set forth in §§ 205 and 3104 of the Zoning Regulations, recommended that the new use met the special exception criteria, and recommended the following conditions limiting this use:
- The adult day treatment facility shall be limited to a maximum of 110 clients and 26 staff;
  - The number of clients at any one time shall not exceed 110;
  - The hours of operation shall be from 8:30 a.m. to 4:00 p.m.;
  - Drop-off shall be between the hours of 8:45 a.m. and 12 noon and pick-up shall be completed no later than 3:30 p.m. All drop-off and pick-up shall be on-site. No van queuing shall occur on adjacent public streets;
  - The facility's cafeteria shall be made available to community use when no clients are present;
  - The approved 11 affordable units shall be located in the larger residential building consistent with Condition 4 of the approved PUD Order (Z.C. Order No. 05-30); and
  - A reduction in the number of apartment units of the approved PUD from 58 to 46 units, all to be located in the larger of the existing buildings, with provision of 11 affordable units as approved under Z.C. Order 05-30.

The OP report concluded the application was consistent with elements of the Comprehensive Plan and satisfied the PUD evaluation standards. (Ex 15.).

### **Final ANC 4B Report**

35. By letter dated March 26, 2013, ANC 4B submitted its final report on the Application. The letter attached a resolution approved by the ANC at a properly noticed meeting at which a quorum was present. The attached resolution stated that the ANC supported the Application, subject to the condition that the Applicant would not include a public charter school facility in the project, and that a particular charter school had identified the PUD site as a potential location. The resolution also attached a signed memorandum of agreement between the ANC, other community groups, the Applicant, and the operator of the adult treatment facility. The signed memorandum stated that the ANC would proffer its support of the Application contingent on the inclusion of fifteen conditions in this Order. (Ex 26.)

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### CONCLUSIONS OF LAW

Pursuant to the Zoning Regulations, the PUD process provides a means for creating a “well-planned development.” The objectives of the PUD process are to promote “sound project planning, efficient and economical land utilization, attractive urban design and the provision of desired public spaces-and other amenities.” (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project “offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience.” (11 DCMR § 2400.2.)

Under the PUD process, the Commission has the authority to consider this application as a consolidated PUD. (11 DCMR § 2402.5.) The Commission may impose development conditions, guidelines, and standards that may exceed or be less than the matter-of-right standards identified for height, density, lot occupancy, parking and loading, and yards and courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment. (11 DCMR § 2405.)

The development of the PUD project will implement the purposes of Chapter 24 of the Zoning Regulations to encourage well-planned developments that will offer a variety of building types with more attractive and efficient overall planning and design and that would not be available under matter-of-right development.

As was the case for the original PUD approval, the Commission, as part of its approval of a modification may grant or impose development conditions, guidelines, and standards that may exceed or be less than the matter-of-right standards identified for height, density, lot occupancy, parking, loading, or any other applicable zoning requirement.

Development of the property included in this application carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned developments which will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.

The modified PUD meets the minimum area requirements of § 2401.1 of the Zoning Regulations.

The modified PUD, as approved by the Commission, complies with the applicable height, bulk, and density standards of the Zoning Regulations. The uses for this project are appropriate for the Subject Property. The impact of the project on the surrounding area and the operation of city services are acceptable given the quality of the public benefits in the project.

Approval of this modification to an approved PUD is appropriate because the proposed development is consistent with the present character of the area, and is not inconsistent with the Comprehensive Plan. In addition, the proposed development will promote the orderly

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development of the Property in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.

The benefits and amenities of the PUD, as modified, are an adequate tradeoff for the requested zoning flexibility.

The Commission is required under Section 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 Commission has carefully considered the ANC's recommendation that it include a condition in this Order prohibiting a charter school within the PUD. The Commission notes that a charter school is not an approved use within the approved PUD, or this modification of the PUD. The Zoning Regulations provide that in order to obtain a building permit, the Applicant must record a covenant on the land records restricting use of the Property in accordance with the PUD Orders. (11 DCMR § 2409.3.) Accordingly, a charter school cannot locate within the PUD site unless this PUD Order is modified by the Commission. If an application to modify the PUD is filed in the future, the Commission will judge the application on its own merit, and therefore declines to include a condition prohibiting a charter school use. The ANC will have an opportunity to participate in any modification proceeding, if one is filed. The Commission believes this process adequately addresses the ANC's concern about this issue.

The ANC also stated in its resolution that fully supported and is a party to all the terms and conditions of the signed "Memorandum and Agreement of Approved Conditions" that was attached to the ANC resolution. The Applicant submitted a draft order that included all of the conditions listed in the agreement. The Commission has included the substance of all of the conditions in this Order, but has revised the form of the conditions so they can be enforced by the Zoning Administrator.

The Commission is required under Section 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to OP recommendations. The Commission carefully considered OP's recommendation for approval, and concurs in this recommendation.

OP also recommended several conditions in its report. The Commission has included the substance of these recommendations in this order, with two exceptions. First, the OP report suggested restricting the hours of operation of the adult day treatment facility so that they would end at 4 p.m., and in another condition recommended that all transportation pick up from the



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facility end by 3:30 p.m. The Applicant stated that the facility will operate until 4:30 p.m. and that pickup will also end at 4:30 p.m. The Commission concludes that the Applicant's proposed hours are reasonable, and therefore adopted conditions consistent with this proposal, requiring operating hours to end at 4:30 p.m. Second, the OP report recommended a condition requiring all drop-off and pick up to occur on site, and that no van queuing will occur on public streets. The Applicant negotiated an agreement with interested Community Organizations that includes a requirement that, "the Applicant shall evaluate the adult day treatment facility's vehicular traffic and provide any signage deemed necessary to ensure that shuttle van services does not encroach on residential areas (to include but not limited to parking/standing in non-designated areas and idling for extended periods)." The Commission has included that requirement as a condition of this Order. The Commission believes this condition is an adequate substitute for the condition OP recommended.

### DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of this application for modification of a PUD approved pursuant to Z.C. Order No. 05-30. This approval is subject to the guidelines, conditions and standards as set forth in the Decision of Z.C. Order No. 05-30, as modified by the following guidelines, conditions, and standards.

Conditions 1 and 2 of Z.C. Order 05-30 are modified to read as follows:

1. The PUD shall be developed substantially in accordance with the plans prepared by Franck Lohsen McCrery Architects, dated March 30, 2006, marked as Exhibit 26 in the record (the "Plans"); as modified by Exhibit 83 and Exhibit 88; **as further modified by the architectural plans and elevations in Exhibits 25A1 and 25A2 in Z.C. Case 05-30C**; and as further modified by the guidelines, conditions and standards herein.
2. The PUD shall be a residential development, **and an adult day treatment facility**, as shown on the approved plans. The PUD shall have a maximum FAR of 0.73 and a combined gross floor area of no more than 369,684 square feet. The project shall contain no more than 169 dwelling units, including 38 single-family dwellings, 73 townhomes, and **46** condominium apartments. The Applicants shall be permitted to adjust the layout, configuration and number of apartment units, provided the total number of units (169) is not exceeded.

The following additional conditions shall apply. For the purposes of these conditions, the term "Applicant" means the person or entity then holding title to the Property. If there is more than one owner, the obligations under this Order shall be joint and several. If a person or entity no longer holds title to the Property, that party shall have no further obligations under this Order; however, that party remains liable for any violation of these conditions that occurred while an Owner.

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1. Prior to the issuance of a certificate of occupancy (“CO”) for the condominium apartment building, and for the life of the PUD, the Applicant shall provide at least five overflow parking spaces for the adult day treatment facility at the site of the condo building.
2. For the life of the PUD, the Applicant shall maintain common areas of two buildings as well as upkeep along public streets and sidewalks surrounding the buildings.
3. For the life of the PUD, the Applicant shall provide the community with access to the 1,300 square foot training room, and 1,500 square foot cafeteria when the adult day treatment facility is not operating, subject to a separate agreement.
4. Karajoel, LLC shall support the expenses associated with two community events annually for 10 years in an amount not to exceed \$1,000 per year. Karajoel, LLC and the Community Organizations will make separate arrangements for the disbursements of those funds.
5. Prior to the issuance of a CO for the condominium apartment building, the Applicant shall make best efforts to arrange for a car sharing services to locate a car sharing station in or near the overflow parking area at the condo building site. If a car sharing service is willing to locate a station, the Applicant shall reserve a parking space in or near the overflow parking area at the condo building site for the car sharing station.
6. Prior to the issuance of a CO for the condominium apartment building, the Applicant shall evaluate the adult day treatment facility’s vehicular traffic and provide any signage deemed necessary to ensure that shuttle van services does not encroach on residential areas (to include but not limited to parking/standing in non-designated areas and idling for extended periods).
7. Within six months of opening the adult day treatment facility, with advance notice and arrangements, the Applicant shall arrange site visits to existing Metro Homes facilities and site visits to the new facility for interested members of the community.
8. The Applicant shall provide construction updates, at least monthly, via email and/or phone, to the community. The Applicant also will provide updates on the Trout Design website.
9. Prior to the issuance of a CO for the condominium apartment building, the Applicant shall develop lighting and security plans and seek community input.
10. The Applicant will extend the cornice line to the addition at the rear of the second (small) building, as reflected in the revised plans submitted by the Applicant in Exhibit 25A.

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11. Prior to the issuance of a CO for the condominium apartment building the Applicant will support administrative and constituent services in the amount of \$2,000 each (totaling \$6,000) to the following community organizations: Lamond Riggs Citizens Association, Lamond Community Action Group, and Citizens Aware. The Applicant and the officers of the listed organizations will make arrangements for the specific distribution of the contributions.
12. Prior to the issuance of a CO for the condominium apartment building, the Applicant will pay for or install approximately 300 square feet of sidewalk, in coordination with the D.C. Department of Transportation. This condition is contingent on the Applicant or DDOT developing a feasibility study and implementation plan, and may be revoked if the study results are that the sidewalk plan is not feasible. If given DDOT approval, the installation timing will coincide with the sidewalk installation planned for the PUD site.
13. The adult day treatment facility shall be limited to a maximum of 110 clients and 26 staff.
14. The hours of operation for the adult day treatment facility shall be 8:30 a.m. to 4:30 p.m.
15. The PUD shall be valid for a period of two years from the effective date of this Order. Within such time, an application for a building permit must be filed as specified in 11 DCMR § 2409.1; the filing of the building permit application will vest this Order.
16. 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 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 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 April 8, 2013, upon the motion of Chairman Hood, as seconded by Vice Chairman Cohen, the Zoning Commission **APPROVED** this application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

On May 13, 2013, upon the motion of Commissioner Turnbull, as seconded by Vice Chairman Cohen, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0**

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(Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 2038, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on May 31, 2013.

**ZONING COMMISSION ORDER NO. 06-29C**  
**CASE NO. 06-29C**  
**WASHINGTON VALUE ADDED I, LLC**  
**(Two-Year PUD Time Extension @ Square 72, Lot 74 )**  
**April 8, 2013**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia ("Commission") was held on April 8, 2013. At the meeting, the Commission approved a request from Washington Value Added I, LLC ("Applicant") for a third time extension for an approved planned unit development ("PUD") and related map amendment for property consisting of Lot 74 in Square 72 ("Subject Property") pursuant to Chapters 1 and 24 of the District of Columbia Zoning Regulations (11 DCMR).

**FINDINGS OF FACT**

1. By Z.C. Order No. 06-29, the Commission approved a PUD for the Subject Property and an application to amend the Zoning Map from the R-5-E Zone District to the CR Zone District for the Subject Property. The Subject Property consists of approximately 31,244 square feet of land area. The approved PUD includes plans to renovate and reconfigure the existing hotel and to extend the height of the building from 90 feet to 110 feet with a two-story addition. This expansion will increase the gross floor area of the building to approximately 217,684 square feet, which equates to an overall density of 6.97 floor area ratio ("FAR").
2. The order became effective on July 13, 2007, and pursuant to 11 DCMR § 2408.8, was to expire on July 13, 2009, unless an application for a building permit was filed before that date.
3. By Z.C. Order No. 06-29A, the Commission approved a request from the Applicant to extend the validity of the PUD approval for a period of two years such that an application must be filed for a building permit for the PUD no later than July 12, 2011, and construction must be started no later than July 12, 2012.
4. By Order No. 06-29B, the Commission approved a second request from the Applicant to extend the validity of the PUD approval for a period of two years such that an application must be filed for a building permit for the PUD no later than July 12, 2013, and construction must be started no later than July 12, 2014.
5. By letter dated and received by the Commission on February 19, 2013, the Applicant filed a third request to extend the validity of the PUD approval for a period of two years, such that an application must be filed for a building permit for the PUD no later than July 12, 2015, and construction must commence no later than July 12, 2016. The letter indicates that the project continues to experience delays beyond the Applicant's control,

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specifically the lack of construction financing for the hospitality industry as a result of the persistent effects of the global economic recession. (Exhibit ["Ex."] 1.)

6. Based on the Applicant's letter, supported by a sworn affidavit, the Commission finds that the Applicant's ownership entity, Carey Value Added, S.L. ("CVA"), was the victim of various forms of misconduct that led it to an unstable financial situation. This situation, along with the national and international recession, forced CVA to restructure its group of companies and source capital to preserve the group's owned assets. The long and arduous process to recover from these setbacks has led to the successful implementation of several measures. They include, among other things, the replacement of the CVA management team; the execution of a management agreement with Azora, a Spanish group focused and specialized in the management of real estate companies; the sale of non-core assets in Europe during the past two years; the corporate restructuring of the group of companies on November 2011, and the execution of an investment agreement up to 20 million Euros, of which 13.7 million Euros have already been disbursed by the investors.
7. The CVA group is now turning its full attention to maintaining and increasing the value of the group assets. With respect to the hotel that is the subject of this PUD, the Applicant has already performed a feasibility and stability study of the building; prepared a return of investment analysis for the investment proposed together with the hotel operator; and undertaken an internal analysis with the hotel operator on the floors to be added. It has also commissioned an updated market analysis to support project financing, initiated interaction with American financial institutions to find the proper financing, and appointed the technical team to prepare permit drawings. While the Applicant anticipates that the project will be financed, the debt and equity markets for hotels have been extremely constrained, which has slowed the process significantly.
8. By letter dated March 19, 2013, the Applicant informed the Commission that, pursuant to discussions with the West End Citizens Association ("WECA"), a party to this proceeding, the Applicant agreed to pay \$30,000 toward the \$462,000 contribution to the D.C. Public Library Foundation, as a demonstration of its good faith commitment to proceed with this project and this public benefit. The payment would be made within 30 days after the appeal period expired for the third PUD extension.
9. Based on the information presented by the Applicant, the Commission finds that there have been no material changes to the application that would undermine the Commission's justification for approving the original PUD.
10. By report submitted March 19, 2013, the Office of Planning ("OP") recommended that the Applicant's request for a third extension of the PUD validity period be granted. OP stated that the Applicant has been unable to obtain sufficient project funding for the proposed addition as a result of inability to secure equity financing for the project. OP

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noted that these factors are beyond the Applicant's reasonable control. Based on the sworn affidavit provided by the Applicant, and the absence of any substantial change in the material facts upon which the Commission granted the original PUD application, OP concluded that there is substantial evidence demonstrating good cause for the requested extension. OP noted that the Applicant has completed the landscape improvements noted in Condition No. 4 of the approved PUD and reconfigured the driveway to improve drop-off and valet parking at the hotel. (Ex. 6.)

11. The only parties to this application are Advisory Neighborhood Commission ("ANC") 2A, WECA and the Foggy Bottom Association ("FBA"). The Applicant served a copy of its request on the parties. By letter dated March 15, 2013, WECA stated that although it does not usually support additional time extensions, in this instance it had no objections based on two distinguishing circumstances. First, the PUD included a request for rezoning to the CR Zone District instead of the initially proposed C-3-C, which would have had a negative impact on the West End neighborhood. Second, the Applicant agreed to make a \$30,000 down payment on the contribution to the D.C. Public Library Foundation. (Ex. 5.)
12. ANC 2A submitted a letter dated March 20, 2013, in support of the extension request. The ANC based its support on the unprecedented impact of the economy and the Applicant's good faith efforts to proceed with the project, as demonstrated by its commitment to make a \$30,000 down payment to the D.C. Public Library Foundation. (Ex. 8.) FBA did not file a response.

### CONCLUSIONS OF LAW

Pursuant to § 2408.10 of the Zoning Regulations, the Commission may extend the validity of a PUD approval for good cause shown upon a request made before the expiration of the approval. Subsection 2408.11 provides that an extension of the validity of a PUD may be granted by the Commission for good cause shown if an applicant has demonstrated with substantial evidence one or more of the following criteria: (a) an inability to obtain sufficient project financing for the PUD, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control; (b) an inability to secure all required governmental agency approvals for a PUD by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or (c) the existence of pending litigation or such other condition or factor beyond the applicant's reasonable control which renders the applicant unable to comply with the time limits of the PUD order.

The Commission concludes the Applicant complied with the notice requirements of 11 DCMR § 2408.10(a) by serving all parties with a copy of the Application and allowing them 30 days to respond.

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The Commission concludes there has been no substantial change in any material facts that would undermine the Commission's justification for approving the original PUD.

The Commission concludes the Applicant presented substantial evidence of good cause for the extension based on the criteria established by 11 DCMR § 2408.11(a), the Applicant's inability to obtain sufficient project financing for the PUD, following its diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond its control. The Commission concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations.

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) (2001)) to give great weight to the affected ANC's recommendations. ANC 2A submitted a resolution in support of the requested extension (Exhibit 8). The Commission has given ANC 2A's recommendation great weight in approving this application.

The Commission is required under section 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to OP recommendations. OP submitted a report indicating that the Applicant meets the standards of § 2408.10 and 2408.11(a) of the Zoning Regulations, and therefore recommended that the Commission approve the requested extension. The Commission has given OP's recommendation great weight in approving this application.

Subsection 2408.12 of the Zoning Regulations provides that the Commission must hold a public hearing on a request for an extension of the validity of a PUD only if, in the determination of the Commission, there is a material factual conflict that has been generated by the parties to the PUD concerning any of the criteria set forth in § 2408.11. The Commission concludes a hearing is not necessary for this request since there are not any material factual conflicts generated by the parties concerning any of the criteria set forth in § 2408.11 of the Zoning Regulations.

### **DECISION**

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for a two-year time extension of the consolidated PUD and a related Zoning Map amendment from the R-5-E to CR Zone District for Lot 74 in Square 72 approved in Zoning Commission Case No. 06-29, the validity of which was extended by Z.C. Order Nos. 06-29A and 06-29B, on the following condition:

1. Within 30 days after the appeal period for this third PUD extension order expires, the Applicant shall pay \$30,000 of the \$462,000 contribution to the D.C. Public Library Foundation, consistent with Condition No. 7 of Z.C. Order No. 06-29. The remaining balance of \$432,000 shall be due



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and payable prior to the issuance of the Certificate of Occupancy for the project.

The project approved by the Commission shall be valid until July 12, 2015, within which time an application shall be filed for a building permit, as specified in § 2409.1 of the Zoning Regulations. Construction must commence no later than July 12, 2016.

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 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 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 April 8, 2013, upon the motion of Commissioner Miller, as seconded by Commissioner Turnbull, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Michael G. Turnbull, and Peter G. May to adopt).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the D.C. Register; that is, on May 31, 2013.

**District of Columbia REGISTER – May 31, 2013 – Part 1 – Vol. 60 - No. 23 007575 – 007727**