



District of Columbia

REGISTER

HIGHLIGHTS

- DC Council schedules a public oversight roundtable on the Fiscal Year 2013 Summer Youth Employment Program
- Department of Motor Vehicles updates criteria for determining accuracy of automated traffic enforcement equipment
- District Department of Environment schedules a public hearing on the Triennial Water Quality Standards Revision
- Office of the State Superintendent of Education proposes rules that would require local educational agencies to annually count the number of enrolled children who receive special education
- District Department of Transportation proposes guidelines for placement of publisher boxes within the District of Columbia public space
- Department of Health proposes changes to proof of residency requirements for participation in the Choice in Drug Treatment Program
- DC Public Service Commission schedules community hearings on Potomac Electric Power Company's application to increase existing retail rates and charges for electric distribution service

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.

All documents published in the *D.C. Register* must be submitted in accordance with the applicable provisions of the Rules of the Office of Documents and Administrative Issuances. Documents which are published in the *D.C. Register* include (1) Acts and resolutions of the Council of the District of Columbia; (2) Notices of proposed Council legislation, Council hearings, and other Council actions; (3) Notices of public hearings; (4) Notices of final, proposed, and emergency rulemaking; (5) Mayor's Orders and information on changes in the structure of the District of Columbia government (6) Notices, Opinions, and Orders of District of Columbia Boards, Commissions and Agencies; (7) Documents having general applicability and notices and information of general public interest.

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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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Legal Effect of Publication - Certification

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

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COUNCIL OF THE DISTRICT OF COLUMBIA

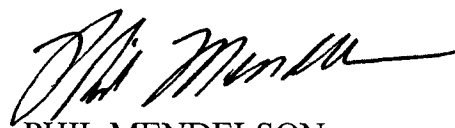
NOTICE

D.C. LAW 19-124A

"Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011"

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 19-511 on first and second readings December 6, 2011 and December 20, 2011 respectively. Following the signature of the Mayor on February 27, 2012, pursuant to Section 404(e) of the Charter, the bill became Act 19-318 and was published in the March 9, 2012 edition of the D.C. Register (Vol. 59, page 1862). Act 19-318 was transmitted to Congress on May 13, 2013 for a 35-day review, in accordance with Section 303 of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 35-day Congressional review period has ended, and Act 19-318 is now D.C. Law 19-124A, effective July 31, 2013.


PHIL MENDELSON
Chairman of the Council

Days Counted During the 35-day Congressional Review Period:

- May 14,15,16,20,21,22,23
- June 2,3,6,10,11,12,13,17,18,19,20,24,25,26,27
- July 8,9,10,11,15,16,17,18,19,23,24,25,30

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 19-321

“Local Budget Autonomy 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 19-993 on first and second readings December 4, 2012 and December 18, 2012 respectively. Following the signature of the Mayor on January 18, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 19-632 and was published in the February 15, 2013 edition of the D.C. Register (Vol. 60, page 1724). Act 19-632 was transmitted to Congress on May 8, 2013 for a 35-day review, in accordance with Section 303 of the Home Rule Act. The first day of the 35-day review period was May 9, 2013.

The Council of the District of Columbia hereby gives notice that the 35-day Congressional review period has ended, and Act 19-632 is now D.C. Law 19-321, effective July 25, 2013.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 35-day Congressional Review Period:

May 9,13,14,15,16,20,21,22,23

June 3,4,6,10,11,12,13,17,18,19,20,24,25,26,27

July 8,9,10,11,15,16,17,18,19,23,24

COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-10****“Department of Health Grant-Making Authority
Temporary Amendment Act of 2013”**

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 20-11 on first and second readings April 9, 2013 and May 7, 2013 respectively. Following the signature of the Mayor on May 15, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-68 and was published in the May 24, 2013 edition of the D.C. Register (Vol. 60, page 7234). Act 20-68 was transmitted to Congress on May 20, 2013 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 20-68 is now D.C. Law 20-10, effective July 13, 2013.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 20,21,22,23,24

June 3,4,5,6,7,10,11,12,13,14,17,18,19,20,21,24,25,26,27,28

July 8,9,10,11,12

COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-11****“Health Benefit Exchange Authority Establishment
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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 20-195 on first and second readings April 9, 2013 and May 7, 2013 respectively. Following the signature of the Mayor on May 15, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-69 and was published in the May 24, 2013 edition of the D.C. Register (Vol. 60, page 7236). Act 20-69 was transmitted to Congress on May 20, 2013 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 20-69 is now D.C. Law 20-11, effective July 13, 2013.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 20,21,22,23,24

June 3,4,5,6,7,10,11,12,13,14,17,18,19,20,21,24,25,26,27,28

July 8,9,10,11,12

COUNCIL OF THE DISTRICT OF COLUMBIA

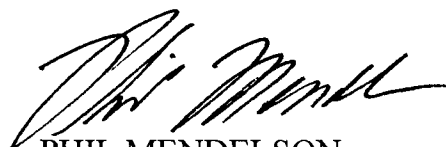
NOTICE

D.C. LAW 20-12

**“Deputy Mayor for Planning and Economic Development Limited
Grant-Making Authority Temporary Amendment Act of 2013”**

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 20-207 on first and second readings April 9, 2013 and May 7, 2013 respectively. Following the signature of the Mayor on May 15, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-70 and was published in the May 24, 2013 edition of the D.C. Register (Vol. 60, page 7238). Act 20-70 was transmitted to Congress on May 20, 2013 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 20-70 is now D.C. Law 20-12, effective July 13, 2013.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 20,21,22,23,24

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July 8,9,10,11,12

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-13

“Certified Business Enterprise Compliance Temporary Act of 2013”

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 20-223 on first and second readings April 9, 2013 and May 7, 2013 respectively. The legislation was deemed approved without the signature of the Mayor on May 29, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-76 and was published in the May 31, 2013 edition of the D.C. Register (Vol. 60, page 7601). Act 20-76 was transmitted to Congress on June 4, 2013 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 20-76 is now D.C. Law 20-13, effective July 23, 2013.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

June 4,5,6,7,10,11,12,13,14,17,18,19,20,21,24,25,26,27,28

July 8,9,10,11,12,15,16,17,18,19,22

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-151

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 6, 2013

To amend, on an emergency basis, Chapter 46 of Title 47 of the District of Columbia Official Code to provide a limited real property tax abatement and tax relief to the Spring Place development project, described as Lots 1 and 803 in Square 3186 and Lots 52 and 822 in Square 3185, in the Takoma Park neighborhood of Ward 4.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Spring Place Real Property Limited Tax Abatement Assistance Emergency Act of 2013".

Sec. 2. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"§ 47-4660. Spring Place development project."

(b) A new section 47-4660 is added to read as follows:

"§ 47-4660. Spring Place development project.

"(a) The real properties described as Lots 1 and 803 in Square 3186 and Lots 52 and 822 in Square 3185, or any successor lot or lots ("Property"), shall be exempt from taxation under Chapter 8 of this title as follows:

"(1)(A) Beginning with the month following the month during which a conveyance of the Property to Takoma Spring Place LP ("Owner") for the purpose of development is recorded, real property tax shall be abated during the time and to the extent that the Property is being developed for use as residential housing, including affordable housing, as provided in this section.

"(B) The abatement set forth in subparagraph (A) of this paragraph shall end on whichever occurs sooner:

"(i) The last day of the real property tax half year during which the final certificate of occupancy authorizing residential use of the Property is issued; or

"(ii) The last day of the 24th month following the month during which the Property was conveyed to the Owner for development purposes; provided, that this period may be extended by the Mayor for an additional 6 months ("construction period").

ENROLLED ORIGINAL

“(2) Beginning with the half tax year immediately following the construction period, real property tax shall be abated in the amount of \$220,000 or the amount of property taxes owed based upon the assessed property value at the beginning of the construction period, whichever is less, for each real property tax year, the amount to be divided equally between each half tax year installment payment; provided, that the Owner shall diligently and expeditiously take all reasonable actions necessary to obtain the final certificate of occupancy for the Property.

“(b) The Property shall become ineligible for the tax abatement provided in subsection (a)(2) of this section when whichever occurs first:

“(1) The date the Property is operating with no fewer than 120 units or 80% of residential units in the project, whichever is greater, of affordable housing for residents earning 60% or less of the then-current Area Median Income; or

“(2) Whichever occurs later:

“(A) Forty years after the issuance of the final certificate of occupancy authorizing residential use of the Property; or

“(B) The term of the senior indebtedness secured by the Property and benefiting a governmental entity as provided in paragraph (1) of this subsection, as the term may be extended, revised, amended, or refinanced. The abatement shall terminate at the end of the half tax year during which the Property becomes ineligible for the abatement.

“(c) The real property tax abatement provided in subsection (a) of this section shall run with Lots 1 and 803 in Square 3186 and Lots 52 and 822 in Square 3185 (or successor lot or lots) and shall apply to any subsequent owner or assignee or successor in interest of the Owner.

“(d) As long as the Property is entitled to the real property tax abatement described in this section, the transfer or conveyance of the Property, whether by deed, economic interest, consolidation, ground lease, or otherwise, shall be exempt from the tax imposed by Chapter 11 of Title 42, and shall be exempt from taxation under Chapter 9 of Title 47.

“(e) To receive the abatement provided in subsection (a) of this section, the Owner shall certify to the Office of Tax and Revenue (“OTR”), at the time and in the manner specified by OTR, that the requirements for the abatement have been met and shall provide other information as OTR deems appropriate to administer the abatement. The Owner shall advise OTR, in the manner and at the time specified by OTR, if the Property, or any portion thereof, ceases to qualify for the abatement provided in subsection (a) of this section.

“(f) The Owner shall file the reports required by section 47-1007.”.

Sec. 3. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

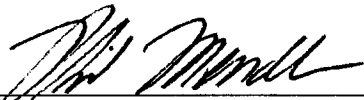
ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
August 2, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 20-152IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
AUGUST 6, 2013

To amend An Act To establish a code of law for the District of Columbia to establish the authority of a civil celebrant, a temporary officiant, members of the Council, the Mayor, and the parties to the marriage to solemnize a marriage.

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

Sec. 2. Section 1288 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1391; D.C. Official Code § 46-406), is amended as follows:

(a) Subsection (a) is amended as follows:

(1) Re-designate paragraphs (1) and (2) as paragraphs (2) and (3), respectively.

(2) A new paragraph (1) is added to read as follows:

"(1) "Civil celebrant" means a person of a secular or non-religious organization who performs marriage ceremonies.

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

"(4) "Temporary officiant" means a person authorized by the Clerk of the Superior Court of the District of Columbia ("Court") to solemnize a specific marriage. The person's authority to solemnize that marriage shall expire upon the filing of the marriage license, pursuant to section 1293."

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

"(b) For the purpose of preserving the evidence of marriages in the District of Columbia, a marriage authorized under Chapter Forth-Three of this act, An Act To increase the age of consent for marriage in the District of Columbia to eighteen years of age in the case of males and sixteen years of age in the case of females, approved August 12, 1937 (50 Stat. 626; D.C. Official Code § 46-409), and An Act To require premarital examinations in the District of Columbia, and for other purposes, approved October 15, 1966 (80 Stat. 959; D.C. Official Code § 46-416 *et seq.*), may be solemnized by the following persons at least 18 years of age at the time of the marriage:

"(1) A judge or retired judge of any court of record;

"(2) The Clerk of the Court or such deputy clerks of the Court as may, in writing, be designated by the Clerk and approved by the Chief Judge of the Court;

"(3) A minister, priest, rabbi, or authorized person of any religious denomination or society;

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"(4) For any religious society which does not by its own custom require the intervention of a minister for the celebration of marriages, a marriage may be solemnized in the manner prescribed and practiced in that religious society, with the license issued to, and returns to be made by, a person appointed by the religious society for that purpose;

"(5) A civil celebrant;

"(6) A temporary officiant;

"(7) Members of the Council;

"(8) The Mayor of the District of Columbia; or

"(9) The parties to the marriage."

(c) New subsections (b-1) and (b-2) are added to read as follows:

"(b-1) All persons authorized by subsection (b) of this section to solemnize marriages shall comply with the requirements of section 1293.

"(b-2) The Court shall charge a reasonable registration fee for authorization to solemnize marriages; provided, that the registration fee for a temporary officiant shall not exceed \$25."

Sec. 3. Fiscal impact statement.

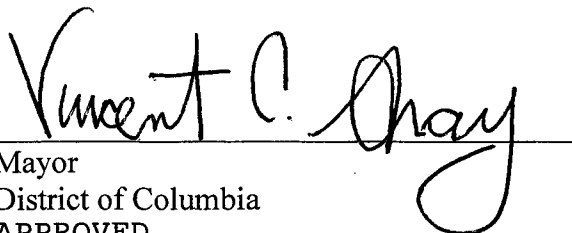
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), 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.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
August 6, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-153

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 6, 2013

To amend the Vital Records Act of 1981 to require the Registrar to issue a new certificate of birth designating a new gender for any individual who provides a written request and a signed statement from a licensed healthcare provider that the individual has undergone a gender transition, and to require that an original certificate of birth be sealed when a new certificate of birth is issued; to repeal section 16-2502 of the District of Columbia Official Code to remove the publication notification requirement for a name change; and to amend section 16-2503 of the District of Columbia Official Code to authorize the Superior Court of the District of Columbia to issue decrees of gender or name change in specific circumstances.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "JaParker Deoni Jones Birth Certificate Equality Amendment Act of 2013".

Sec. 2. The Vital Records Act of 1981, effective October 8, 1981 (D.C. Law 4-34; D.C. Official Code § 7-210 *et seq.*), is amended as follows:

(a) Section 6(f) (D.C. Official Code § 7-205(f)) is amended to read as follows:

"(f) (1) Either of the parents of the child, or other informant, shall confirm with his or her signature the accuracy of the personal data entered on the certificate before the certificate is filed.

"(2) Any institutional error regarding the personal data on the certificate may be corrected within 90 days of issuance, and:

"(A) A new certificate shall be issued;

"(B) The new certificate shall not be marked amended; and

"(C) The original, erroneous certificate shall be sealed and made available only upon the demand of the individual to whom the new certificate of birth was issued or an order of the Court."

(b) Section 11 (D.C. Official Code § 7-210) is amended by striking the period in the heading and inserting the phrase "for adoption and determination of parentage." in its place.

ENROLLED ORIGINAL

(c) A new section 11a (to be codified at D.C. Official Code § 7-210.01) is added to read as follows:

“Sec. 11a. New certificates of birth for change of gender designation.

“(a) The Registrar shall establish a new certificate of birth that reflects the new gender designation and, if applicable, the new name of an individual born in the District upon receipt of the following documents:

“(1) A written request, signed under penalty of law, for a new certificate of birth with a gender designation that differs from the gender designated on the original certificate of birth, from the individual or, if the individual is a minor, the individual’s:

“(A) Parent;

“(B) Guardian; or

“(C) Legal representative;

“(2) A statement, signed under the penalty of law, by a licensed healthcare provider who has treated or evaluated the individual, stating that:

“(A) The individual has undergone surgical, hormonal, or other treatment appropriate for the individual for the purpose of gender transition, based on contemporary medical standards; or

“(B) The individual has an intersex condition, and that in the healthcare provider’s professional opinion, the individual’s gender designation should be changed; and

“(3) If a change of name listed on the certificate is also being requested, an original or certified copy of an order of a court of competent jurisdiction granting a change of name.

“(b) The Registrar shall establish, upon request, a new certificate of birth reflecting the new gender designation, new name, or name as previously amended, in these additional circumstances:

“(1) When an individual holds an amended certificate of birth issued before the effective date of the JaParker Deoni Jones Birth Certificate Equality Amendment Act of 2013, passed on 2nd reading on July 10, 2013 (Enrolled version of Bill 20-142), that reflects a previous name change and seeks a change of gender designation;

“(2) When an individual, who is requesting a change of name, holds a certificate of birth previously issued pursuant to subsection (a) of this section that reflects a change in gender; or

“(3) When an individual holds an amended certificate of birth issued before the effective date of the JaParker Deoni Jones Birth Certificate Equality Amendment Act of 2013, passed on 2nd reading on July 10, 2013 (Enrolled version of Bill 20-142), that reflects a previous change in gender designation.

“(c) A new certificate of birth, issued in accordance with subsection (a) or (b) of this section, shall:

“(1) Be substituted for the original certificate of birth; and

“(2) Not be marked “amended” or on its face show that:

“(A) A change in gender has been made;

ENROLLED ORIGINAL

“(B) A change in name has been made; or

“(C) Both.

“(d) The original certificate of birth, along with any documents submitted pursuant to this section, shall be sealed and made available only upon the demand of the individual to whom the new certificate of birth was issued or an order of the Court.”

(d) Section 18(d) (D.C. Official Code § 7-217(d)) is repealed.

Sec. 3. Chapter 25 of Title 16 of the District of Columbia Official Code is amended as follows:

(a) The chapter title is amended to read as follows:

“CHAPTER 25. CHANGE OF NAME OR GENDER.”

(b) Section 16-2502 is repealed.

(c) Section 16-2503 is amended as follows:

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

(2) The newly designated subsection (a) is amended by striking the phrase “On proof of the notice prescribed by section 16-2502, and upon a showing” and inserting the phrase “Upon a showing” in its place.

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

“(b)(1) Any District resident may seek a declaration by the Superior Court reflecting a change of gender. The Superior Court shall grant the declaration if the individual seeking the declaration provides, to the court, a statement from the individual’s healthcare provider as described in § 7-210.01(a)(2). If granted, the declaration shall be effective from the date of gender transition as specified in the healthcare provider’s statement.

“(2) Any District resident who was born in a state or foreign jurisdiction that requires a court order to amend a birth certificate to reflect a change in gender may request a court order by the Superior Court directing the birth state or foreign jurisdiction to amend the original birth certificate or issue a new birth certificate reflecting a change of gender. The Superior Court shall grant the order if the individual seeking the order provides, to the court, a statement from the individual’s healthcare provider as described in § 7-210.01(a)(2).

“(3) Any declaration or order issued pursuant to subsection (b) this section shall constitute conclusive proof of the individual’s gender for all purposes and shall be given the full force and effect of any judgment issued by the Superior Court.”

Sec. 4. Fiscal impact statement.

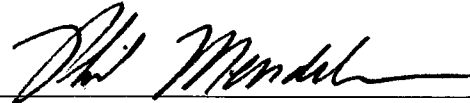
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

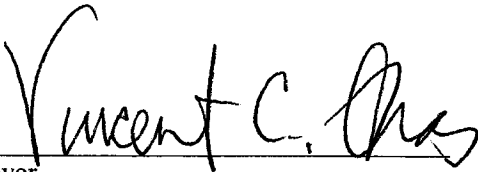
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
August 6, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-154

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 9, 2013

To amend, on a temporary basis, sections 16-803 and 16-803.01 of the District of Columbia Official Code to establish the burden of proof for certain cases covered by these sections.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Criminal Record Sealing Temporary Act of 2013".

Sec. 2. Chapter 8 of Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-803(i)(1) is amended to read as follows:

"(i)(1) In a motion filed under subsection (a), (c-1), or (c-2) of this section, the burden shall be on the prosecutor to establish by a preponderance of the evidence that it is not in the interests of justice to grant relief."

(b) Section 16-803.01(b)(2) is amended to read as follows:

"(2)(A) In all other cases under this section, the Superior Court may grant a motion to seal if it is in the interest of justice to do so. In making this determination, the court shall consider:

"(i) The interests of the movant in sealing the publicly available records of his or her arrest and related court proceedings;

"(ii) The community's interest in retaining access to those records;

"(iii) The community's interest in furthering the movant's rehabilitation and enhancing the movant's employability; and

"(iv) Any other information it considers relevant.

"(B) "The burden shall be on the movant to establish by a preponderance of the evidence that it is in the interest of justice to grant relief."

Sec. 3. Applicability.

This act shall apply as of June 15, 2013.

Sec. 4. Fiscal impact statement.

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

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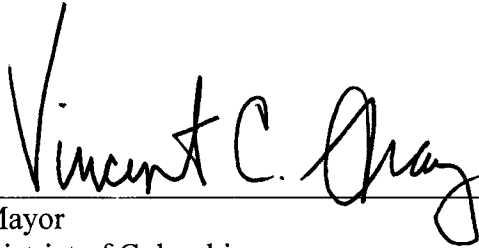
Sec. 5. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
August 9, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 20-155

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 9, 2013

To amend, on a temporary basis, the Washington Metropolitan Area Transit Authority Board of Directors Act of 2012 to change the initial appointment date of the Board of Directors appointments from July 1, 2013 to January 2, 2014.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Washington Metropolitan Area Transit Authority Board of Directors Temporary Amendment Act of 2013”.

Sec. 2. Section 2(b)(1) of the Washington Metropolitan Area Transit Authority Board of Directors Act of 2012, effective April 27, 2012 (D.C. Law 19-286; D.C. Official Code § 9-1108.11(b)(1)), is amended by striking the phrase “July 1, 2013” and inserting the phrase “January 2, 2014” in its place.

Sec. 3. Fiscal impact statement.

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


Sec. 4. Effective date.

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

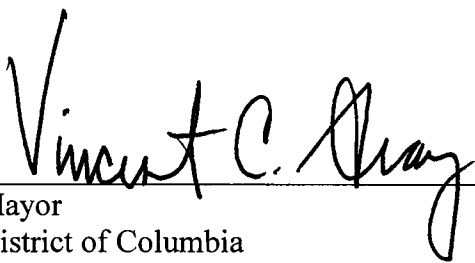
ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
August 9, 2013

ENROLLED ORIGINAL

A RESOLUTION

20-210

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To confirm the appointment of Ms. Jacqueline V. Prior to the Housing Production Trust Fund Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing Production Trust Fund Board Jacqueline V. Prior Confirmation Resolution of 2013".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Jacqueline V. Prior
2926 Legation Street, N.W.
Washington, D.C. 20015
(Ward 4)

as a member, with significant knowledge of an area related to the production, preservation, and rehabilitation of affordable housing for lower-income households, of the Housing Production Trust Fund Board, established by section 3a of the Housing Production Trust Fund Act of 1988, effective June 8, 1990 (D.C. Law 8-133; D.C. Official Code § 42-2802.01), replacing Maria Corrales, for a term to end January 14, 2017.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20- 211

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To confirm the appointment of Ms. Oramenta Newsome to the Housing Production Trust Fund Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing Production Trust Fund Board Oramenta Newsome Confirmation Resolution of 2013".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Oramenta Newsome
9308 Spring Water Path
Jessup, MD 20794

as a member, representing an organization that advocates for the production, preservation, and rehabilitation of affordable housing for lower-income households, of the Housing Production Trust Fund Board, established by section 3a of the Housing Production Trust Fund Act of 1988, effective June 8, 1990 (D.C. Law 8-133; D.C. Official Code § 42-2802.01), for a term to end January 14, 2015.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20- 212

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To confirm the appointment of Mr. Robert H. Pohlman to the Housing Production Trust Fund Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing Production Trust Fund Board Robert H. Pohlman Confirmation Resolution of 2013".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Robert H. Pohlman
1815 Monroe Street, N.W.
Washington, D.C. 20009
(Ward 1)

as a member, representing an organization that advocates for people with disabilities, of the Housing Production Trust Fund Board, established by section 3a of the Housing Production Trust Fund Act of 1988, effective June 8, 1990 (D.C. Law 8-133; D.C. Official Code § 42-2802.01), for a term to end January 14, 2017.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-213

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To confirm the appointment of Mr. David J. Roodberg to the Housing Production Trust Fund Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing Production Trust Fund Board David J. Roodberg Confirmation Resolution of 2013".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. David J. Roodberg
9483 Coral Crest Lane
Vienna, VA 22182

as a member, representing the for-profit housing production industry, of the Housing Production Trust Fund Board, established by section 3a of the Housing Production Trust Fund Act of 1988, effective June 8, 1990 (D.C. Law 8-133; D.C. Official Code § 42-2802.01), replacing David Franco, for a term to end January 14, 2015.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-214

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To confirm the appointment of Ms. Sue Ann Marshall to the Housing Production Trust Fund Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing Production Trust Fund Board Sue Ann Marshall Confirmation Resolution of 2013".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Sue Ann Marshall
3426 16th Street, N.W. #104
Washington, D.C. 20010
(Ward 1)

as a member, representing the nonprofit housing production community, of the Housing Production Trust Fund Board, established by section 3a of the Housing Production Trust Fund Act of 1988, effective June 8, 1990 (D.C. Law 8-133; D.C. Official Code § 42-2802.01), for a term to end January 14, 2015.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-215

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To confirm the appointment of Mr. M. Craig Pascal to the Housing Production Trust Fund Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing Production Trust Fund Board M. Craig Pascal Confirmation Resolution of 2013".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. M. Craig Pascal
2501 K Street, N.W. #8C
Washington, D.C. 20037
(Ward 2)

as a member, with significant knowledge of an area related to the production, preservation, and rehabilitation of affordable housing for lower-income households, of the Housing Production Trust Fund Board, established by section 3a of the Housing Production Trust Fund Act of 1988, effective June 8, 1990 (D.C. Law 8-133; D.C. Official Code § 42-2802.01), replacing Casius Pealer, for a term to end January 14, 2017.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-216

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To confirm the appointment of Mr. James D. Knight to the Housing Production Trust Fund Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing Production Trust Fund Board James D. Knight Confirmation Resolution of 2013".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. James D. Knight
1412 Allison Street, N.W.
Washington, D.C. 20011
(Ward 4)

as a member, representing the low-income tenant association, of the Housing Production Trust Fund Board, established by section 3a of the Housing Production Trust Fund Act of 1988, effective June 8, 1990 (D.C. Law 8-133; D.C. Official Code § 42-2802.01), for a term to end January 14, 2017.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-217

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To confirm the reappointment of Mr. David C. Bowers to the Housing Production Trust Fund Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing Production Trust Fund Board David C. Bowers Confirmation Resolution of 2013."

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. David C. Bowers
1350 D Street, N.E.
Washington, D.C. 20012
(Ward 6)

as a member, representing the financial services industry, of the Housing Production Trust Fund Board, established by section 3a of the Housing Production Trust Fund Act of 1988, effective June 8, 1990 (D.C. Law 8-133; D.C. Official Code § 42-2802.01), for a term to end January 14, 2015.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-218

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To confirm the appointment of Mr. David Bowers as Chairperson of the Housing Production Trust Fund Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing Production Trust Fund Board Chairperson David Bowers Confirmation Resolution of 2013".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. David Bowers
1350 D Street, N.E.
Washington, D.C. 20012
(Ward 6)

as Chairperson of the Housing Production Trust Fund Board, established by section 3a of the Housing Production Trust Fund Act of 1988, effective June 8, 1990 (D.C. Law 8-133; D.C. Official Code § 42-2802.01), who shall serve in this position at the pleasure of the Mayor.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-219

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$10 million of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist the See Forever Foundation , or its subsidiary, The Maya Angelou Public Charter School, or both, in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “See Forever Foundation/The Maya Angelou Public Charter School Revenue Bonds Project Approval Resolution of 2013”.

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning and Economic Development or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor’s functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) “Bond Counsel” means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) “Bonds” means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) “Borrower” means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be the See Forever Foundation , or its subsidiary, The Maya Angelou Public Charter School, or both, each a nonprofit corporation organized under the laws of the District of Columbia, which is exempt from federal income taxes under 26 U.S.C § 501(a) as an organization described in 26 U.S.C. § 501(c)(3), which borrower[s] shall be liable for the repayment of the Bonds.

(5) “Chairman” means the Chairman of the Council of the District of Columbia.

(6) “Closing Documents” means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the

ENROLLED ORIGINAL

Bonds and to make the Loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "District" means the District of Columbia.

(8) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Mayor" means the Mayor of the District of Columbia.

(13) "Project" means the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs to:

(A) Renovate, expand, construct, and equip an approximately 112,442 square foot facility located at 5600 East Capitol Street, N.E., Washington, D.C., 20019 (Lot 804, Square 5244), including functionally related and subordinate property, and used by The Maya Angelou Public Charter School as a public charter school and by the See Forever Foundation in furtherance of its charitable and educational programs;

(B) Fund certain working capital costs directly related to the facility, to the extent financeable;

(C) Fund any required debt service reserve fund or capitalized interest;

and

(D) Pay certain costs of issuance, including any credit enhancement fees.

Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by resolution, authorize the issuance of District revenue bonds, notes, or other obligations

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(including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of, the costs of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series pursuant to a plan of finance, in an aggregate principal amount not to exceed \$10 million, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the area of secondary facilities and facilities used to house and equip operations related to the study, development, application, or production of social services, within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$10 million; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

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- (1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;
 - (2) The principal amount of the Bonds to be issued and denominations of the Bonds;
 - (3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;
 - (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the Bonds, and the maturity date or dates of the Bonds;
 - (5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
 - (6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;
 - (7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;
 - (8) The time and place of payment of the Bonds;
 - (9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;
 - (10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and
 - (11) The terms and types of credit enhancement under which the Bonds may be secured.
- (b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve, the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.
- (c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.
- (d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.
- (e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.
- (f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

ENROLLED ORIGINAL**Sec. 6. Sale of the Bonds.**

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts, and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

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(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of, or involve, the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this resolution, the Bonds, the Financing Documents, or the Closing

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Documents, nor as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec. 12. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance

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that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years after the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 16. Severability.

If any particular provision of this resolution or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of the provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the Project to be financed, refinanced, or reimbursed with the proceeds of the Bonds. This resolution approving the issuance of the Bonds for the Project has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 19. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act.

Sec. 20. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

20-220

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$35.2 million of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist DC Preparatory Academy in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “DC Preparatory Academy Revenue Bonds Project Approval Resolution of 2013”.

Sec. 2. Definitions.

For the purposes of this resolution, the term:

- (1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor’s functions under this resolution pursuant to section 422(6) of the Home Rule Act.
- (2) “Bond Counsel” means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.
- (3) “Bonds” means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.
- (4) “Borrower” means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be DC Preparatory Academy, a nonprofit corporation organized under the laws of the District of Columbia, which is exempt from federal income taxes under 26 U.S.C § 501(a) as an organization described in 26 U.S.C. § 501(c)(3) and which is liable for the repayment of the Bonds.
- (5) “Chairman” means the Chairman of the Council of the District of Columbia.
- (6) “Closing Documents” means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the Bonds

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and to make the Loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "District" means the District of Columbia.

(8) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing, or refinancing of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Mayor" means the Mayor of the District of Columbia.

(13) "Project" means the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs to:

(A) Acquire, develop, construct, and renovate a Pre-K to grade 8 public charter school located at 100 41st Street N.E., Washington, D.C., 20019 (Lot 0801, Square 5084), which facility includes classrooms, administrative offices, and other ancillary school facilities;

(B) Purchase equipment and furnishings, together with other property, real and personal, functionally related and subordinate thereto;

(C) Fund certain working capital costs directly related to the bond financed facility, to the extent financeable; (D) Fund any required debt service reserve fund or capitalized interest; and

(E) Pay certain costs of issuance, including any credit enhancement fees, liquidity costs, and other related costs, to the extent permissible.

Sec. 3. Findings.

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The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by resolution, authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of, the costs of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series pursuant to a plan of finance, in an aggregate principal amount not to exceed \$35.2 million, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the area of elementary and secondary school facilities, within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$35.2 million; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the Bonds.

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Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

- (1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;
- (2) The principal amount of the Bonds to be issued and denominations of the Bonds;
- (3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;
- (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the Bonds, and the maturity date or dates of the Bonds;
- (5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
- (6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;
- (7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;
- (8) The time and place of payment of the Bonds;
- (9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;
- (10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and
- (11) The terms and types of credit enhancement under which the Bonds may be secured.

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

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(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

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(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of, or involve the faith and credit or the taxing power of, the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

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(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this resolution, the Bonds, the Financing Documents, or the Closing Documents, nor as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec.12. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec.13. Information reporting.

ENROLLED ORIGINAL

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 16. Severability.

If any particular provision of this resolution or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

ENROLLED ORIGINAL

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the Project to be financed, refinanced, or reimbursed with the proceeds of the Bonds. This resolution approving the issuance of the Bonds for the Project has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 19. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act.

Sec. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-222

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To confirm the appointment of Mr. Herbert R. Tillery to the Public Charter School Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public Charter School Board Herbert R. Tillery Confirmation Resolution of 2013".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Herbert R. Tillery
616 E. Street, N.W. #214
Washington, D.C. 20004
(Ward 2)

as a member of the Public Charter School Board, established by section 2214 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.14), for a term to end February 24, 2017.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-223

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To confirm the appointment of Mrs. Barbara B. Nophlin to the Public Charter School Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public Charter School Board Barbara B. Nophlin Confirmation Resolution of 2013".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mrs. Barbara B. Nophlin
1441 35th Street, S.E.
Washington, D.C. 20020
(Ward 7)

as a member of the Public Charter School Board, established by section 2214 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.14), for a term to end February 24, 2015.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-224

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To confirm the reappointment of Ms. Sara Mead to the Public Charter School Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public Charter School Board Sara Mead Confirmation Resolution of 2013".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Ms, Sara Mead
1245 4th Street, SW, E309
Washington, D.C. 20024
(Ward 6)

as a member to the Public Charter School Board, established by section 2214 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.14), for a term to end February 24, 2017.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-225

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To confirm the appointment of Ms. Faith G. Hubbard to the Board of Library Trustees.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Library Trustees Faith G. Hubbard Confirmation Resolution of 2013".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Faith G. Hubbard
3213 Walnut Street, N.E.
Washington, D.C. 20018
(Ward 5)

as a member of the Board of Library Trustees, established by section 4 of An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896 (29 Stat. 244; D.C. Official Code § 39-104), replacing Kelley J. Smith, whose term expired January 5, 2010, for a term to end January 5, 2015.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-226

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To confirm the appointment of Mr. Neil Albert to the Board of Library Trustees.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Library Trustees Neil Albert Confirmation Resolution of 2013".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Neil Albert
1358 Locust Road, N.W.
Washington, D.C. 20012
(Ward 4)

as a member of the Board of Library Trustees, established by section 4 of An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896 (29 Stat. 244; D.C. Official Code § 39-104), replacing Richard H. Levy, whose term expired January 5, 2009, for a term to end January 5, 2014.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-227

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To confirm the appointment of Dr. Laura E. House to the Child Fatality Review Committee.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Child Fatality Review Committee Laura E. House Confirmation Resolution of 2013”.

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Dr. Laura E. House
3821 South Dakota Avenue, N.E.
Washington, D.C. 20018
(Ward 5)

as a community representative member of the Child Fatality Review Committee, established by section 4603 of the Child Fatality Review Committee Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 4-1371.03), for a term to end 3 years from the date of appointment.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-228

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To disapprove the proposed amendment to the current Fire and Emergency Medical Services Department ambulance redeployment plan to allow for increased ambulance deployment during peak hours of service.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “FEMS Ambulance Redeployment Disapproval Resolution of 2013”.

Sec. 2. (a) Pursuant to section 1(b) of An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code § 5-401(b)), the Mayor transmitted to the Council on March 27, 2013, a proposed amendment to the current Fire and Emergency Medical Services Department (“FEMS”) ambulance deployment plan to allow for increased ambulance deployment during peak hours of services.

(b) The Council disapproves the proposed amendment.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Chief of FEMS, and to the Mayor.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-229

IN THE COUNCIL DISTRICT OF COLUMBIA

July 10, 2013

To confirm the appointment of Ms. Ellen O. Boardman to the District of Columbia Water and Sewer Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Water and Sewer Authority Board of Directors Ellen O. Boardman Confirmation Resolution of 2013".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Ellen O. Boardman
1723 Shepherd Street, N.W.
Washington, D.C. 20011
(Ward 4)

as a principal member of the Board of Directors of the District of Columbia Water and Sewer Authority, in accordance with section 204 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.04), replacing Alethia Nancoo, for a term to end September 12, 2016.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-230

IN THE COUNCIL DISTRICT OF COLUMBIA

July 10, 2013

To confirm the appointment of Mr. James Bunn to the District of Columbia Water and Sewer Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Water and Sewer Authority Board of Directors James Bunn Confirmation Resolution of 2013".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. James Bunn
3127 MLK Jr. Avenue, S.E.
Washington, D.C. 20032
(Ward 8)

as an alternate member of the Board of Directors of the District of Columbia Water and Sewer Authority, in accordance with section 204 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.04), replacing Howard Croft, for a term to end September 12, 2016.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-231

IN THE COUNCIL DISTRICT OF COLUMBIA

July 10, 2013

To confirm the appointment of Mr. Keith A. Anderson to the District of Columbia Water and Sewer Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Water and Sewer Authority Board of Directors Keith A. Anderson Confirmation Resolution of 2013”.

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Keith A. Anderson
614 Randolph Street, N.W.
Washington, D.C. 20011
(Ward 4)

as an alternate member of the Board of Directors of the District of Columbia Water and Sewer Authority, in accordance with section 204 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.04), replacing Joseph Cotruvo, for a term to end September 12, 2016.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-232

IN THE COUNCIL DISTRICT OF COLUMBIA

July 10, 2013

To confirm the appointment of Mr. Obiora “Bo” Menkiti to the District of Columbia Water and Sewer Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Water and Sewer Authority Board of Directors Obiora “Bo” Menkiti Confirmation Resolution of 2013”.

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Obiora “Bo” Menkiti
1673 Myrtle Street, N.W.
Washington, D.C. 20018
(Ward 4)

as a principal member of the Board of Directors of the District of Columbia Water and Sewer Authority, in accordance with section 204 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.04), replacing Adam Clampitt, for a term to end September 12, 2016.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-233

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012 to require the Deputy Mayor for Planning and Economic Development to issue a loan in the amount of \$800,000 to support an affordable housing project in Ward 7.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Congressional Review Emergency Declaration Resolution of 2013”.

Sec. 2. (a) In April of 2013, the Council enacted the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Emergency Amendment Act of 2013 (D.C. Act 20-48; 60 DCR 5770) (“emergency legislation”), and in May of 2013, enacted the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Temporary Amendment Act of 2013, signed by the Mayor on May 15, 2013 (D.C. Act 20-70; 60 DCR 7238)(“temporary legislation”), which amended the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012 to require the Deputy Mayor for Planning and Economic Development to issue a loan in the amount of \$800,000 to support an affordable housing project in Ward 7.

(b) The emergency legislation will expire on July 11, 2013, before the temporary legislation is projected to become law.

(c) It is important that the provisions of the emergency legislation continue in effect, without interruption, until the temporary legislation is in effect.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Congressional Review Emergency Amendment Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-234

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend An Act To establish a code of law for the District of Columbia to provide a borrower the same rights for a defective notice of default on residential mortgage as the law provides for a defective notice of intention to foreclose on a residential mortgage, to provide that a foreclosure sale of a property secured by a residential mortgage shall be void if a lender files a notice of intention to foreclose on a residential mortgage without a mediation certificate, to provide for a new definition of residential mortgage, to provide several technical changes to the text, and to amend the Foreclosure Mediation Fund provisions to allow mortgage-related or foreclosure-related settlement funds to be transferred into the fund and allow those funds to be used for specified mortgage-related or foreclosure-related matters.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Saving D.C. Homes from Foreclosure Enhanced Congressional Review Emergency Declaration Resolution of 2013”.

Sec. 2. (a) In May of 2013, the Council enacted the Saving D.C. Homes from Foreclosure Enhanced Emergency Amendment Act of 2013, effective May 16, 2013 (D.C. Act 20-71; 60 DCR 7240)(“emergency legislation”), and in June of 2013, the Saving D.C. Homes from Foreclosure Enhanced Temporary Amendment Act of 2013, signed by the Mayor on June 19, 2013 (D.C. Act 20-92; 60 DCR 7240)(“temporary legislation”), which amended An Act To establish a code of law for the District of Columbia to provide a borrower the same rights for the defective notice of default on a residential mortgage as the law provides for a defective notice of intention to foreclose on a residential mortgage.

(b) The emergency legislation will expire on August 14, 2013, before the temporary legislation is projected to become law.

(c) It is important that the provisions of the emergency legislation continue in effect, without interruption, until the temporary legislation is in effect.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Saving D.C. Homes from Foreclosure Enhanced Congressional Review Emergency Amendment Act of 2013 be adopted after a single reading.

ENROLLED ORIGINAL

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-235

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Health Benefit Exchange Authority Establishment Act of 2011 to streamline the procurement process for the Health Benefit Exchange Authority by clarifying that such procurements are not subject to the Procurement Practices Reform Act of 2010.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Health Benefit Exchange Authority Establishment Congressional Review Emergency Declaration Resolution of 2013”.

Sec. 2. (a) In April of 2013, the Council enacted the Health Benefit Exchange Authority Establishment Emergency Amendment Act of 2013 (D.C. Act 20-49; 60 DCR 6337) (“emergency legislation”), and in May of 2013, enacted the Health Benefit Exchange Authority Establishment Temporary Amendment Act of 2013, signed by the Mayor on May 15, 2013 (D.C. Act 20-195; 60 DCR 7236) (“temporary legislation”), which amended the Health Benefit Exchange Authority Establishment Act of 2011 to streamline the procurement process for the Health Benefit Exchange Authority by clarifying that such procurements are not subject to the Procurement Practices Reform Act of 2010.

(b) The emergency legislation will expire on July 14, 2013, before the temporary legislation is projected to become law.

(c) It is important that the provisions of the emergency legislation continue in effect, without interruption, until the temporary legislation is in effect.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Health Benefit Exchange Authority Establishment Congressional Review Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-236

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend An Act For the retirement of public-school teachers in the District of Columbia to allow for involuntary retirement for all excessed permanent status teachers without regard to whether a teacher chose to reject other options available to him or her.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Teachers’ Retirement Congressional Review Emergency Declaration Resolution of 2013”.

Sec. 2. (a) There exists an immediate need to implement Bill 20-64, the Teachers’ Retirement Amendment Act of 2013, which was approved by the Council on 2nd reading on June 4, 2013, designated as D.C. Act 20-93, and is pending Congressional review.

(b) D.C. Act 20-93 provides that for purposes of involuntary retirement, the term “involuntarily separated” includes the excessing of a permanent status teacher, without regard to whether the teacher chose to reject options available to him or her, such as finding placement elsewhere in the District of Columbia Public Schools (“DCPS”).

(c) D.C. Act 20-93 defines “excessing” as the elimination of a teacher’s position at a particular school, when such an elimination is not a reduction in force or abolishment, due to a: decline in student enrollment; reduction in the local school budget; closing or consolidation; restructuring; or change in the local school program. This definition mirrors that in the Collective Bargaining Agreement between the Washington Teachers’ Union and the District of Columbia Public Schools (“CBA”).

(d) According to the CBA, excessed teachers whose most recent performance review was “effective” or higher have options available to them after an excess, including a cash buy-out or an extra year to find another placement.

(e) Because of the existence of these options, teachers rated “effective” or higher were not given a separation notice at the time of an excess, as teachers with less than “effective” ratings were. Thus, teachers that were rated “effective” or higher typically did not have access to the involuntary retirement provisions in the law until one year later, after the extra year had expired.

ENROLLED ORIGINAL

(f) D.C. Act 20-93 clarifies that all excessed permanent status teachers have access to involuntary retirement after an excessing, regardless of whether the teacher had other options available and rejected them. This ensures that all excessed permanent status teachers will have access to an early retirement option, with certain penalties already in the law, after an excessing occurs.

(g) D.C. Act 20-93 is particularly important in light of DCPS's current consolidation of 13 schools following the 2012-2013 school year, and plan to consolidate 2 schools at the end of the 2013-2014 school year, which has resulted, and will continue to result, in the excessing of a significant number of teachers.

(h) The last day of the current school year was June 21, 2013, which was the effective date of an excessing for affected teachers. Because immediate implementation of D.C. Act 20-93 was necessary to ensure that all eligible affected teachers would have access to an early retirement option, the Council passed the Teachers' Retirement Emergency Amendment Act of 2013 on May 7, 2013 (D.C. Act 20-72).

(i) D.C. Act 20-72 implemented all of the provisions of D.C. Act 20-93.

(j) D.C. Act 20-72 will expire on August 14, 2013.

(k) This Congressional review emergency is necessary to prevent a gap in the law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Teachers' Retirement Congressional Review Emergency Amendment Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-237

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency with respect to the need to approve Change Orders No. FY13-001 through No. FY13-006 to Contract No. GM-10-S-0707A-FM for on-call small capital projects between the District of Columbia government and Keystone Plus Construction Corporation, and to authorize payment to Keystone Plus Construction Corporation in the aggregate amount of \$2,168,675.58 for the goods and services received and to be received under these change orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Change Orders No. FY13-001 through No. FY13-006 to Contract GM-10-S-0707A-FM Approval and Payment Authorization Emergency Declaration Resolution of 2013”.

Sec. 2.(a) There exists an immediate need to approve Change Orders No. FY13-001 through No. FY13-006 to Contract No. GM-10-S-0707A-FM for On-Call Small Capital Projects in the aggregate amount of \$2,168,675.58 and to authorize payment for the goods and services received and to be received under these change orders.

(b) The Council of the District of Columbia Council previously approved Option Year 2 of Contract No. GM-10-S-0707A-FM (CA 19-0460). The aggregate value of Change Orders No. FY13-001 through No. FY13-005 was under \$1 million; thus, these change orders did not require Council approval.

(c) Change Order No. FY13-006 will cause the aggregate value of change orders issued, after Council approval Option Year 2 of Contract No. GM-10-S-0707A-FM, to exceed the \$1 million threshold pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).

(d) Approval of Change Orders No. FY13-001 through No. FY13-006 in the aggregate amount of \$2,168,675.58 is necessary to compensate Keystone Plus Construction Corporation for work to be completed pursuant to Contract No. GM-10-S-0707A-FM for On-Call Small Capital Projects.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Change Orders No. FY13-001 through No. FY13-006 to Contract GM-10-S-0707A-FM Approval and Payment Authorization Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-238

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency with respect to the need to approve Change Orders No. FY13-001 through No. FY13-009 to the Contract for On-Call Small Capital Projects between the District of Columbia government and Broughton Construction Company, Contract No. GM-10-S-0707C-FM, and to authorize payment to Broughton Construction Company in the aggregate amount of \$1,554,151.81 for the goods and services received and to be received under these change orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Change Orders No. FY13-001 through No. FY13-009 to Contract GM-10-S-0707C-FM Approval and Payment Authorization Emergency Declaration Resolution of 2013”.

Sec. 2.(a) There exists an immediate need to approve Change Orders No. FY13-001 through No. FY13-009 to Contract No. GM-10-S-0707C-FM for On-Call Small Capital Projects in the aggregate amount of \$1,554,151.81 and to authorize payment for the goods and services received and to be received under these change orders.

(b) The Council of the District of Columbia Council previously approved Option Year 2 of Contract No. GM-10-S-0707C-FM (CA 19-0458). The aggregate value of Change Orders No. FY13-001 through No. FY13-008 was under \$1 million; thus, these change orders did not require Council approval.

(c) Change Order No. FY13-009 will cause the aggregate value of change orders issued, after Council approval of Option Year 2 of Contract No. GM-10-S-0707C-FM, to exceed the \$1 million threshold pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).

(d) Approval of Change Orders No. FY13-001 through No. FY13-009 in the aggregate amount of \$1,554,151.81 is necessary to compensate Broughton Construction Company for work to be completed pursuant to Contract No. GM-10-S-0707C-FM for On-Call Small Capital Projects.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Change Orders No. FY13-001 through No. FY13-009 to Contract GM-10-S-0707C-FM Approval and Payment Authorization Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-239

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2013

To declare the existence of an emergency with respect to the need to approve Change Orders No. FY13-001 through No. FY13-014 to Contract No. GM-10-S-0707D-FM for on-call small capital projects between the District of Columbia government and HRGM Corporation, and to authorize payment to HRGM Corporation in the aggregate amount of \$1,941,489 for the goods and services received and to be received under these change orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Change Orders No. FY13-001 through No. FY13-0014 to Contract No. GM-10-S-0707D-FM Approval and Payment Authorization Emergency Declaration Resolution of 2013”.

Sec. 2.(a) There exists an immediate need to approve Change Orders No. FY13-001 through No. FY13-0014 to Contract No. GM-10-S-0707D-FM for On-Call Small Capital Projects in the aggregate amount of \$1,941,489 and to authorize payment for the goods and services received and to be received under these change orders.

(b) The Council of the District of Columbia Council previously approved Option Year 2 of Contract No. GM-10-S-0707D-FM (CA 19-0459). The aggregate value of Change Orders No. FY13-001 through No. FY13-013 was under \$1 million; thus, these change orders did not require Council approval.

(c) Change Order No. FY13-014 will cause the aggregate value of change orders issued, after Council approval of Option Year 2 of Contract No. GM-10-S-0707D-FM, to exceed the \$1 million threshold pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).

(d) Approval of Change Orders No. FY13-001 through No. FY13-014 in the aggregate amount of \$1,941,489 is necessary to compensate HRGM Corporation for work to be completed pursuant to Contract No. GM-10-S-0707D-FM for On-Call Small Capital Projects.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Change Orders No. FY13-001 through No. FY13-014 to Contract No. GM-10-S-0707D-FM Approval and Payment Authorization Emergency Act of 2013 be adopted after a single reading.

ENROLLED ORIGINAL

Sec. 4. This resolution shall take effect immediately.

**Council of the District of Columbia
Committee on Workforce and Community Affairs
Notice of Public Oversight Roundtable**

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

**COUNCILMEMBER MARION BARRY, CHAIRPERSON
COMMITTEE ON WORKFORCE AND COMMUNITY AFFAIRS**

ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON

THE

Fiscal Year 2013 Summer Youth Employment Program

**Thursday, September 12, 2013, 11:00 a.m.
Council Chamber - Room 500, John A. Wilson Building
1350 Pennsylvania Ave., NW
Washington, D.C. 20004**

Councilmember Marion Barry, Chairperson of the Committee on Workforce and Community Affairs, announces a public oversight roundtable on the Fiscal Year 2013 Summer Youth Employment Program. Councilmember Barry will hear from the Department of Employment Services official's regarding performance of the Summers program. The public oversight roundtable will be held on Thursday, September 12, 2013, at 11:00 a.m., in the Council Chamber, Room 500 of the John A. Wilson Building, 1350 Pennsylvania Ave., NW, Washington, D.C. 20004.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
8/23/2013

Notice is hereby given that:

License Number: ABRA-089622

License Class/Type: C Restaurant

Applicant: Mendelsohn Hospitality Gr

Trade Name: Bearnaise

ANC: 6B

Has applied for the renewal of an alcoholic beverages license at the premises:

313 PENNSYLVANIA AVE SE, WASHINGTON, DC 20003

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

10/7/2013

HEARING WILL BE HELD ON

10/21/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS: Sidewalk Cafe

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 11 am - 12 am | 11 am -12 am | - |
| Monday: | 11 am - 2 am | 11 am - 2 am | - |
| Tuesday: | 11 am - 2 am | 11 am - 2 am | - |
| Wednesday: | 11 am - 2 am | 11 am - 2 am | - |
| Thursday: | 11 am - 2 am | 11 am - 2 am | - |
| Friday: | 11 am - 3 am | 11 am - 3 am | - |
| Saturday: | 11 am - 3 am | 11 am - 3 am | - |

| Days | Hours of Sidewalk Cafe Operation | Hours of Sales Sidewalk Cafe |
|------------|----------------------------------|------------------------------|
| Sunday: | 9 am - 10 pm | 9 am - 10 pm |
| Monday: | 11 am - 10 pm | 11 am - 10 pm |
| Tuesday: | 11 am - 10 pm | 11 am - 10 pm |
| Wednesday: | 11 am - 10 pm | 11 am - 10 pm |
| Thursday: | 11 am - 10 pm | 11 am - 10 pm |
| Friday: | 11 am - 10 pm | 11 am - 10 pm |
| Saturday: | 9 am - 10 pm | 9 am - 10 pm |

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 23, 2013
Petition Date: October 7, 2013
Roll Call Hearing Date: October 21, 2013
Protest Hearing Date: December 11, 2013

License No.: ABRA-92990
Licensee: Darien DC, LLC
Trade Name: TO BE DETERMINED
License Class: Retailer's Class "C" Tavern
Address: 1309 5th Street, NW
Contact: Paul L Pascal: 202-544-2500

WARD 5 ANC 5D SMD 5D01

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Roll Call Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on 12/11/2013 at 1:30 pm.

NATURE OF OPERATION

A chief driven,, farm to table, full service restaurant serving local, fresh and seasonal inspired food. Total Occupancy Load #199, number of Seats #120, Summer Garden seating- joint use in common area. Including Entertainment Endorsement, Live and Recorded music and jazz.

HOURS OF OPERATION

Sunday through Thursday: 7am-2am, Friday and Saturday: 7am-3am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday: 8am-2am, Friday and Saturday: 8am-3am

HOURS OF ENTERTAINMENT ENDORSEMENT

Sunday through Thursday: 8am-2am, Friday and Saturday: 8am-3am

SUMMER GARDEN HOURS OF OPERATION

Sunday through Thursday: 7am-2am, Friday and Saturday: 7am-3am

SUMMER GARDEN HOURS OF ALCOHOLIC BEVERAGE SLES/SERVICE/ CONSUMPTION

Sunday through Thursday: 8am-2am, Friday and Saturday: 8am-3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 23, 2013
Petition Date: October 7, 2013
Roll Call Hearing Date: October 21, 2013
Protest Hearing Date: December 11, 2013

License No.: ABRA-92791
Licensee: DISTRICT TACO, LLC
Trade Name: DISTRICT TACO
License Class: Retailer's Class "D" Restaurant
Address: 656 Pennsylvania Ave., SE
Contact: Christopher Medhurst: 202-340-6702

WARD 6 ANC 6B SMD 6B02

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Roll Call Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on 12/11/2013 at 1:30 pm.

NATURE OF OPERATION

Mexican Restaurant, Breakfast, Lunch and Dinner. Total Occupancy Load 132, Seating 70

HOURS OF OPERATION

Sunday: 10am-9pm, Monday through Friday: 7am-10pm, Saturday: 10am-9pm

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday: 11am-9pm, Monday through Friday: 11am-10pm, Saturday: 11am-9pm

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
8/23/2013**

Notice is hereby given that:

License Number: ABRA-088683

License Class/Type: C Restaurant

Applicant: Quan LLC

Trade Name: DOI MOI/2 BIRDS 1 STONE

ANC: 2B

Has applied for the renewal of an alcoholic beverages license at the premises:

1800 14TH ST NW, WASHINGTON, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

10/7/2013

HEARING WILL BE HELD ON

10/21/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS:

| Days | Hours of Operation | Hours of Sales/Service |
|------------|--------------------|------------------------|
| Sunday: | 11am - 2am | 11am -2am |
| Monday: | 11am - 2am | 11am - 2am |
| Tuesday: | 11am - 2am | 11am - 2am |
| Wednesday: | 11am - 2am | 11am - 2am |
| Thursday: | 11am - 2am | 11am - 2am |
| Friday: | 11am - 3am | 11am - 3am |
| Saturday: | 11am - 3am | 11am - 3am |

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 23, 2013
Petition Date: October 7, 2013
Roll Call Hearing Date: October 21, 2013
Protest Hearing Date: December 11, 2013

License No.: ABRA 92449
Licensee: EACH PEACH, LLC
Trade Name: EACH PEACH MARKET
License Class: Retailer's Class "B" GROCERY
Address: 3068 Mount Pleasant St., NW.
Contact: Cheryl Webb: 202-277-74691

WARD 1 ANC 1D SMD 1D05

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Roll Call Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on 12/11/2013 at 1:30 pm.

NATURE OF OPERATION

Full Service Grocery Store with Tasting Endorsement.

HOURS OF OPERATION

Sunday through Saturday: 9am - 10pm

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Saturday: 9am-10pm

HOURS OF TASTING

Sunday through Saturday: 9am-10pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
8/23/2013

Notice is hereby given that:

License Number: ABRA-092380

License Class/Type: C Restaurant

Applicant: JC 7 LLC

Trade Name: NY NY Diva

ANC: 1C

Has applied for the renewal of an alcoholic beverages license at the premises:

2406 - 2408 18th ST NW, WASHINGTON, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

10/7/2013

HEARING WILL BE HELD ON

10/21/2013

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS: Cover Charge, Dancing, Entertainment, Summer Garden

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 11 am - 12:00 am | 11 am -12:00 am | 6 pm - 12 am |
| Monday: | 11 am - 1 am | 11 am - 1 am | 6 pm - 1 am |
| Tuesday: | 11 am - 1 am | 11 am - 1 am | 6 pm - 1 am |
| Wednesday: | 11 am - 1:30 am | 11 am - 1:30 am | 6 pm - 1:30 am |
| Thursday: | 11 am - 1:30 am | 11 am - 1:30 am | 6 pm - 1:30 am |
| Friday: | 11 am - 2:45 am | 11 am - 2:45 am | 6 pm - 2:45 am |
| Saturday: | 11 am - 2:45 am | 11 am - 2:45 am | 6 pm - 2:45 am |

| Days | Hours of Summer Garden Operation | Hours of Sales Summer Garden |
|------------|----------------------------------|------------------------------|
| Sunday: | 5:30 pm - 10:00 pm | 5:30pm - 10:00pm |
| Monday: | 5:30 pm - 10:30 pm | 5:30pm - 10:30 pm |
| Tuesday: | 5:30 pm - 10:30 pm | 5:30pm - 10:30 pm |
| Wednesday: | 5:30 pm - 10:30 pm | 5:30pm - 10:30 pm |
| Thursday: | 5:30 pm - 11:00 pm | 5:30 pm - 11:00 pm |
| Friday: | 5:30 pm - 11:00 pm | 5:30 pm - 11:00 pm |
| Saturday: | 5:30 pm - 11:00 pm | 5:30pm - 11:00 pm |

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 23, 2013
Petition Date: October 7, 2013
Roll Call Hearing Date: October 21, 2013
Protest Hearing Date: December 11, 2013

License No.: ABRA-92844
Licensee: STK DC, LLC.
Trade Name: STK
License Class: Retailer's Class "C" Restaurant
Address: 1250 - Connecticut Ave., NW
Contact: Stephen J. O'Brien: 202-625-7700

WARD 2 ANC 2B SMD 2B07

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Roll Call Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on 12/11/2013 at 1:30 pm.

NATURE OF OPERATION

Fine dining, upscale female-friendly steakhouse, DJ and background music Will be provided. No Nude performances. Total Occupancy Load #299, Seating #282. Sidewalk Cafe seating #36, with Entertainment Endorsement

HOURS OF OPERATION

Sunday through Thursday: 11am-2am, Friday and Saturday: 11am-3am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday: 11am-2am, Friday and Saturday: 11am-3am

SIDEWALK CAFE HOURS OF OPERATION

Sunday through Thursday: 11am-11pm, Friday and Saturday: 11am-12am

SIDEWALK CAFE HOURS OF ALCOHOLIC BEVERAGE SALE/SERVICE/CONSUMPTION

Sunday through Thursday: 11am-11pm, Friday and Saturday: 11am-12am

HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday: 11am-2am, Friday and Saturday: 11am-3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 23, 2013
Petition Date: October 7, 2013
Roll Call Hearing Date: October 21, 2013

License No.: ABRA-086628
Licensee: Margots Chair, Inc.
Trade Name: The Coupe
License Class: Retailer's Class "C" Restaurant
Address: 633 Pennsylvania Ave SE
Contact: Stephen J. O'Brien 202-625-7700

WARD 1 ANC 1A SMD 1A07

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

NATURE OF SUBSTANTIAL CHANGE

Request is for a new Sidewalk Café with 50 seats. The Premise capacity is 259

CURRENT HOURS OF OPERATION FOR THE PREMISE

Sunday through Saturday 24 hours

CURRENT HOURS FOR SALES/SERVICE/CONSUMPTION FOR THE PREMISE

10 am - 2 am Sunday through Thursday Friday and Saturday 10 am - 3 am

HOURS OF OPERATIONS

Sunday 8 am - 11 pm Monday through Thursday 7 am - 11 pm Friday 7 am - 1 am and Saturday 8 am - 1 am

SALES /SERVICE AND CONSUMPTION FOR THE SIDEWALK CAFÉ

Sunday through Thursday 10 am - 11 pm Friday and Saturday 10 am - 1 am

CORRECTION

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
NOTICE OF PUBLIC HEARING

Posting Date: August 16, 2013
Petition Date: September 30, 2013
Hearing Date: October 15, 2013
Protest Hearing Date: December 4, 2013

License No.: ABRA- 092685
Licensee: Historic Restaurants Inc
Trade Name: Washington Firehouse Restaurant/Washington
Smokehouse
License Class: Retailer’s Class “C” Tavern
Address: 1626 North Capitol Street NW
Contact: Makan Shirafkan, 703-828-4529

WARD 5 ANC 5E SMD 5E06

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the 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 1:30pm on December 4, 2013.

NATURE OF OPERATION

New Tavern with entertainment limited to music and musicians only. Cigar Bar in the rear of 3rd floor. Seating capacity is *347. Total load is *398. Summer Garden with seating for 85 patrons.

HOURS OF OPERATION FOR INSIDE PREMISES

Sunday through Thursday 8am-2am; Friday and Saturday 8am-3am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION AND ENTERTAINMENT FOR INSIDE PREMISES

Sunday through Thursday 8am-1:30am; Friday and Saturday 8am-2:30am

HOURS OF SUMMER GARDEN OPERATION

Sunday through Saturday 8am-12am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION AND ENTERTAINMENT FOR SUMMER GARDEN

Sunday through Saturday 8am-11:30pm

DISTRICT DEPARTMENT OF THE ENVIRONMENT

NOTICE OF PUBLIC HEARING**Triennial Water Quality Standards Revision****Thursday, October 03, 2013
6:00 PM**

The District Department of the Environment (DDOE) invites the public to present its views on the proposed triennial revision of the District of Columbia Surface Water Quality Standards as required by the Water Pollution Control Act of 1984 and Section 303(c) of the federal Clean Water Act (CWA).

Copies of the draft proposed rulemaking are on file at Martin Luther King, Jr. Library, 901 G. St., NW, Washington, DC 20001 and may be inspected during normal business hours. In addition, the document can be down loaded from the following website address <http://www.ddoe.dc.gov> under the information section at the Public Notices & Hearings bullet.

DATE: Thursday, October 03, 2013
TIME: 6:00 PM
PLACE: District Department of the Environment
1200 First Street N.E. Washington, D.C. 20002
6th Floor, Conference Room 612
New York Avenue Metro Stop

Persons who wish to testify are requested to furnish in writing their names, addresses, telephone number and the organization they represent to the attention of Mr. Collin R. Burrell, Associate Director at the address below by Thursday, September 26, 2013.

District Department of the Environment
Water Quality Division
1200 First Street N.E., 6th Floor
Washington, D.C. 20002

Other persons present at the hearing, who wish to be heard, may testify after those on the witness list have been called and heard. Persons making presentations are urged to address their statements to relevant issues. All presentations shall be limited to five minutes. Persons are urged to submit duplicate copies of their statements. Persons may submit written testimony by mail to the address above. Such written testimony is to be clearly marked "DC Water Quality Standards Triennial Review Public Hearing 2013", and received by Thursday, September 26, 2013. DDOE will consider all comments in its final decision. For additional information, call 202-535-2600.

DEPARTMENT OF GENERAL SERVICES

NOTICE OF PUBLIC MEETINGS REGARDING
SURPLUS RESOLUTIONS PURSUANT TO D.C. OFFICIAL CODE 10-801

The District will conduct a public hearing to receive public comments on the proposed surplus of the following District properties. The date, time and location shall be as follows:

Properties: Square 3552, Lot 0816 – 301 Douglas Street, NE (“Shaed Elementary School Building”)

Date: September 16, 2013

Time: 6:00 p.m.

Location: Edgewood Recreation Center
3 Evarts Street, NE
Washington, DC 20017

Contact: Althea O. Holford, Real Estate Specialist
Department of General Services
202.478.2428 or althea.holford@dc.gov

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, OCTOBER 29, 2013
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

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

9:30 A.M. MORNING HEARING SESSION

A.M.

WARD SIX

18643 **Application of Jonas Stiklorius** for a special exception for an accessory
ANC-6C garage serving a one-family row dwelling under section 223, not meeting
the lot occupancy requirements (section 403) in the R-4 District at
premises 119 12th Street, S.E. (Square 989, Lot 50).

WARD SIX

18640 **Application of Barry S. Jackson**, pursuant to 11 DCMR § 3104.1, for a
ANC-6B special exception to allow a two story rear addition and two story garage
addition to a row dwelling under section 223, not meeting the lot
occupancy (section 403), and rear yard (section 404) requirements in the
R-4 District at premises 761 10th Street, S.E. (Square 950, Lot 94).

WARD SIX

18641 **Application of Aung Hla and Myint Myint San**, pursuant to 11 DCMR
ANC-6B § 3104.1, for a special exception to allow a two story rear addition to a
semi-detached dwelling under section 223, not meeting the lot occupancy
(section 403), and court (section 406), and nonconforming structure
requirements in the CAP/R-4 District at premises 404 Independence
Avenue, S.E. (Square 818, Lot 807).

WARD FIVE

18642 **Application of 57th Street Mews Inc.**, pursuant to 11 DCMR § 3103.2,
ANC-5B for a variance from the lot occupancy requirements under section 772, a
variance from the rear yard requirements under section 774, and a variance
from the parking requirements under subsection 2101.1, to construct a new
four unit apartment house in the C-2-A District at premises 1210 Simms
Place, N.E. (Square 4052, Lot 181).

BZA PUBLIC HEARING NOTICE
OCTOBER 29, 2013
PAGE NO. 2

WARD TWO

18646 **Application of 3053 Q Street LLC**, pursuant to 11 DCMR § 3103.2, for a
ANC-2E variance from the nonconforming structure provisions under subsection
2001.3, to allow the expansion of the existing fourth floor of a one-family
dwelling not meeting the number of stories (section 400) limitation in the
R-1-B District at premises 3053 Q Street, N.W. (Square 1282, Lot 863).

WARD SIX

18644 **Appeal of Caroline A. Crenshaw, et al**, pursuant to 11 DCMR §§ 3100
ANC-6C and 3101, from a June 4, 2013, decision by the Zoning Administrator to
permit the construction of a university dormitory in the R-4 District at
premises 608 Massachusetts Avenue, N.E. (Square 865, Lot 60).

PLEASE NOTE:

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

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to Subsection 3117.4, of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.** This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: www.dcoz.dc.gov. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

BZA PUBLIC HEARING NOTICE
OCTOBER 29, 2013
PAGE NO. 3

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

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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF RESCHEDULED¹ FURTHER HEARING ON DESIGNATED ISSUES**

TIME AND PLACE: **Thursday, September, 26, 2013, @ 6:00 P.M.**
 Jerrily R. Kress Memorial Hearing Room
 441 4th Street, NW, Suite 220
 Washington, D.C. 20001

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

Pursuant to § 3025.1 and 3025.2 of the Zoning Commission's Rules of Practice and Procedure (Title 11 of the DCMR) the Commission gives notice to the participants in this proceeding that at its public meeting of July 29, 2013, the Commission re-opened the record of this case to require a further hearing limited to the issues discussed in the Report to the Zoning Commission of Steven E. Sher. (Exhibit 31.)

The hearing will consist of the direct testimony of Mr. Sher, his cross examination by Union Place Phase I, LLC², and redirect testimony. Mr. Sher's direct testimony may not exceed 10 minutes in length.

No other evidence will be received at the hearing.

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200-S, 441 4th Street, N.W., Washington, D.C. 20001. **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.

¹ Previously scheduled for September 19, 2013.

² Although Advisory Neighborhood Commission 6C was automatically a party in this proceeding, it did not provide the information required by 11 DCMR § 3012.5 in order for it to participate in the hearing.

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES**ERRATA NOTICE**

The Administrator of the Office of Documents and Administrative Issuances (ODAI), pursuant to the authority set forth in Section 307 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Official Code § 2-559 (2012 Repl.)), hereby gives notice of a correction to Section 800.4 of Chapter 8 (Operation of Taxicabs) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR), which was amended by a Notice of Final Rulemaking issued by the Taxicab Commission and published in the *D.C. Register* on May 17, 2013 at 60 DCR 7016.

In the Notice of Proposed Rulemaking, published April 5, 2013 at 60 DCR 5196, the Taxicab Commission proposed a new Subsection 800.4 to Chapter 8 of Title 31. In its Notice of Final Rulemaking, published May 17, 2013 at 60 DCR 7016, the complete text of Subsection 800.4 inadvertently was removed from the published version. This Errata Notice includes the text as intended to be published by the District of Columbia Taxicab Commission.

Chapter 8, OPERATION OF TAXICABS, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended as follows:

Section 800, APPLICATION AND SCOPE, is amended by adding a new Subsection 800.4 to read as follows:

800.4 Each taxicab company, independent owner, taxicab operator, payment service provider, and dispatch service shall comply with an administrative order or request for information issued by the Office that relates to the Office's administration of any provision of this chapter.

Any questions or comments regarding this notice shall be addressed by mail to Victor L. Reid, Esq., Administrator, Office of Documents and Administrative Issuances, 441 4th Street, N.W., Suite 520 South, Washington, D.C. 20001, or via telephone at (202) 727-5090.

DEPARTMENT OF MOTOR VEHICLES

NOTICE OF FINAL RULEMAKING

The Director of the Department of Motor Vehicles (Director), pursuant to the authority set forth in Sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 50-905 (2009 Repl.)), Section 6 of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code §§ 50-2201.03 (2009 Repl.)), § 107 of the Traffic Adjudication Act, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.07 (2009 Repl.)), and Title IX of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01, *et seq.* (2009 Repl.)), hereby gives notice of the adoption of the following rulemaking that amends Chapter 10 (Procedures for Administrative Hearings) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking updates the present regulations which did not take into account that different manufacturers and models would have diverse criteria to determine accuracy of the equipment. The new rules are applicable to all equipment, irrespective of manufacturer or model.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on July 19, 2013 at 60 DCR 10759. No comments were received. No changes were made to the text of the proposed rules. The final rules will become effective on the date of publication of this notice in the *D.C. Register*.

Title 18, VEHICLES AND TRAFFIC, of the DCMR is amended as follows:**Chapter 10, PROCEDURES FOR ADMINISTRATIVE HEARINGS, is amended as follows:****Section 1035, AUTOMATED TRAFFIC ENFORCEMENT, is amended as follows:****Subsection 1035.1 is amended to read as follows:**

1035.1 A photo radar device, as that term is used in this section, is a type of automated traffic enforcement system authorized by § 901 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01).

Subsection 1035.2 is amended to read as follows:

1035.2 A photo radar device shall be deemed to be calibrated correctly and in proper working order if:

(a) For a mobile photo radar device operated from a vehicle, there is a Unit Deployment Log corresponding to the time period, date and location of the

alleged violation being adjudicated that:

- (1) Indicates that the tuning fork reading was accurate to plus or minus one (1) mile per hour of the tuning fork frequency being used and that the unit test sequence shows the unit was operating properly at the beginning and the end of deployment; and
 - (2) Contains a certification by the operator that the device was correctly set up and deployed when the alleged violation was recorded; or
- (b) For a fixed or portable photo radar device operated out-of-doors, there is a Unit Deployment Log for the device dated not more than four (4) days before and four (4) days after the date of the alleged violation that:
- (1) Indicates that the tuning fork reading was accurate to plus or minus one (1) mile per hour of the tuning fork frequency being used and that the unit test sequence shows the unit was operating properly at the beginning and end of the deployment; and
 - (2) Contains certifications by a technician or police officer, or both, that the device was correctly set up.

Subsection 1035.3 is amended to read as follows:

1035.3 The photo radar device shall reflect that it was only recording the speed of the vehicle or vehicles shown receding in the image.

Subsection 1035.5 is amended to read as follows:

1035.5 The images captured by the photo radar device shall enable identification of the vehicle whose speed was detected by the radar unit.

Subsection 1035.11 is amended to read as follows:

1035.11 Any person seeking a hearing must answer the ticket within sixty (60) days of mailing of the notice of infraction.

Subsection 1035.12 is amended to read as follows:

1035.12 Failure to answer within the time period provided by § 1035.11 shall result in a default judgment being entered against the vehicle owner in accordance with § 206(b) of the Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2302.06(b)).

Subsection 1035.13 is amended to read as follows:

1035.13 Repealed.

THE OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**NOTICE OF PROPOSED RULEMAKING**

The State Superintendent of Education, pursuant to the authority set forth in Section 3(b) of the District of Columbia State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)(11) (2012 Supp.)); Section 107(d) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools and Tax Conformity Clarification Amendment Act of 1998, effective March 26, 1999, as amended (D.C. Law 12-207; D.C. Official Code § 38-2906 (2012 Supp.)); Section 2002 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.02(19) (2012 Supp.)); and Section 618 of the Individuals with Disabilities Education Act, approved December 3, 2004 (118 Stat. 2738; 20 U.S.C. § 1418) (“IDEA”) and its implementing regulations (34 C.F.R. §§ 300.640 through 300.644), hereby gives notice of her intent to adopt an amendment to Section 3002 (LEA Responsibility) of Chapter 30 (Special Education Policy) of Title 5-E (Education, Original Title 5) of the District of Columbia Municipal Regulations (“DCMR”), and to delete Paragraphs 3019.3(f) and 3019.4(c) (Annual Reporting Requirements, Responsibilities of LEA Charters and Responsibilities of District Charters) in Section 3019 (Charter Schools) of Chapter 30 (Special Education Policy) of Title 5-E (Education, Original Title 5) DCMR, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of this proposed rule is to establish the requirement for all local educational agencies (“LEAs”) in the District of Columbia to annually count the number of children enrolled in the LEA who receive special education and related services in accordance with Section 618 of the IDEA, on a date as determined by OSSE. The IDEA requires States to count and report the number of children with disabilities receiving special education and related services on any date between October 1 and December 1 of each year. This is known as the IDEA “child count,” which is used to determine the level of federal IDEA funding made available to States.

Pursuant to current regulations and practice, LEAs in the District of Columbia have performed the IDEA child count on December 1. District of Columbia law, however, requires an annual count by October 5 of all students enrolled in public schools for purposes of determining local per pupil funding. The proposed rule will allow OSSE to align the annual IDEA child count to the annual enrollment count required by District of Columbia law. Failure to conform to the legal requirements of the IDEA, including the provision of information as required by OSSE as the State Education Agency (“SEA”), may subject LEAs to sanctions, including discontinuation of federal funding under IDEA.

This notice is being circulated throughout the District for a thirty (30) day period, including an opportunity to submit written comments and attend a public hearing on the proposal scheduled on September 18, 2013, at 2:00 p.m. to 3:30 p.m., at the Office of the State Superintendent of Education (“OSSE”), 3rd Floor-Grand Hall, 810 First Street, N.E., Washington, D.C. 20002.

Section 3002 (LEA Responsibility) of Chapter 30 (Special Education Policy) of Title 5, Subtitle E (Education, Original Title 5) of the DCMR is amended to read as follows:

3002.5

- (a) DCPS and all public charter schools shall count the number of children with disabilities receiving special education and related services annually on a date between October 1 and December 1, as determined by OSSE.
- (b) DCPS and public charter schools that have not elected DCPS to serve as the public charter school's LEA for special education purposes shall report the count to OSSE each year and provide the information required by the Section 618 of the Individuals with Disabilities Education Act, approved December 3, 2004 (118 Stat. 2738; 20 U.S.C. § 1418) ("IDEA"), in accordance with a timeline specified by OSSE, and shall certify to OSSE that an unduplicated and accurate count has been made.
- (c) A public charter school that has elected DCPS to serve as its LEA for special education purposes shall report its count to DCPS and provide to DCPS the information required by Section 618 of the IDEA and its implementing regulations (34 C.F.R. §§ 300.640 through 300.644), in accordance with a timeline specified by OSSE, and shall certify to DCPS that an unduplicated and accurate count has been made.

Paragraphs 3019.3(f) and 3019.4(c) (Annual Reporting Requirements, Responsibilities of LEA Charters and Responsibilities of District Charters) of Section 3019 (Charter Schools) of Chapter 30 (Special Education Policy) of Title 5-E (Education, Original Title 5) of the DCMR are deleted in their entirety, and Section 3019 (Charter Schools) is re-numbered to reflect their deletion.

Persons desiring to comment on the subject matter of this proposed rulemaking should attend the hearing scheduled at OSSE in the 3rd Floor-Grand Hall on September 18, 2013, 2:00 p.m. to 3:30 p.m., or should file comments in writing by mail or hand delivery to the Office of the State Superintendent of Education, Attn: Jamai Deuberry re: "IDEA Child Count Regulations", 810 First Street, NE 9th Floor, Washington, DC 20002 [(202) 727-6436] or to Jamai.Deuberry@dc.gov with subject "Attn: Jamai Deuberry, IDEA Child Count", or both, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Additional copies of this rule are available from the above address and on the Office of the State Superintendent of Education website at www.osse.dc.gov.

DEPARTMENT OF INSURANCE, SECURITIES, AND BANKING

NOTICE OF PROPOSED RULEMAKING

The Commissioner of the Department of Insurance, Securities, and Banking (“Department”), pursuant to the authority set forth in Section 18 of the Producer Licensing Act of 2002, effective March 27, 2003 (D.C. Law 14-264; D.C. Official Code § 31-1131.18 (2009 Repl.)), hereby gives notice of intent to adopt the following amendments to Subtitle A of Title 26 (Insurance), Chapter 1 (Licensure as Insurance Producer), of the District of Columbia Municipal Regulations (DCMR), in not less than thirty days from the date of the publication of this notice in the *D.C. Register*.

The amendments require producers to submit applications for licensure within one (1) year of taking the pre-licensure examination, pursuant to D.C. Official Code § 31-1131.05, or risk having their score deemed invalid and the associated fee forfeited. The one-year requirement implements § 31-1131.05 and is consistent with the Commissioner’s obligation of ensuring that producer applicants demonstrate knowledge of the most up-to-date insurance laws and regulations of the District, the latest trends relative to the lines of authority for which the application is made, and the current practices associated with the duties and responsibilities of insurance producers. The amendments also codify the requirement that producer applicants achieve a minimum passing examination score of 70.

Chapter 1, Title 26A, District of Columbia Municipal Regulations, is amended as follows:**Subsection 100.3 is amended to read as follows:**

- 100.3 (a) An applicant for a resident producer license shall:
- (i) Submit a properly completed application and pay the required fee as provided in Section 105 of this chapter;
 - (ii) Have passed the written examination required by D.C. Official Code § 31-1131.05 with a minimum score of 70, and within one (1) year of submitting an application; and
 - (iii) Comply with the procedures established by the service provider selected by the Commissioner to administer the examination and collect the non-refundable fee applicable thereto.
- (b) If an applicant fails to submit an application within one (1) year of passing the written examination as required by this subsection, the examination score shall be deemed invalid and the applicable fee shall be forfeited.
- (c) An applicant whose examination score is determined to be invalid under paragraph (b) of this subsection may reapply for the examination.

Persons desiring to comment on these proposed rules should submit comments in writing to Phil

Barlow, Associate Commissioner, Insurance Bureau, Department of Insurance, Securities, and Banking, 810 First Street, N.E., Suite 701, Washington, D.C. 20002. Comments must be received not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the emergency and proposed rulemaking may be obtained from the Department at the address above.

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

The Director of the District Department of Transportation (“Department”), pursuant to the authority set forth in Sections 4(a)(5)(A) (assigning authority to coordinate and manage public space permits and records to the Department Director), 5(4)(A) (assigning duty to review and approve public space permit requests to the Department Director), and 6(b) (transferring the public right-of-way maintenance function previously delegated to the Department of Public Works under section III (F) of Reorganization Plan No. 4 of 1983 to the Department) of the Department of Transportation Establishment Act of 2002 (“DDOT Establishment Act”), effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.03(5)(A), 50-921.04(4)(A), and 50-921.05(b) (2009 Repl. & 2012 Supp.)), Section 604 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.04 (2008 Repl. & 2012 Supp.)), and Subtitle C of Title VI of the Fiscal Year 2005 Budget Support Act of 2004, effective December 7, 2004 (D.C. Law 15-205; D.C. Official Code § 10-1181.01 *et seq.* (2008 Repl. & 2012 Supp.)), provides notice of his intent to adopt the following proposed rules to amend Chapter 5 (Vendors and Solicitors) and add a new Chapter 36 (Publisher Boxes) to Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (“DCMR”).

The purpose of this rulemaking is to regulate the placement of publisher boxes on public space within the District of Columbia to promote public safety and the efficient use of public space, and to require annual permits, public liability insurance, and indemnification of the District in connection with the placement of publisher boxes on public space. This rulemaking will also establish an annual rental fee to cover the administrative costs of permitting and monitoring the placement of publisher boxes on public space. Additionally, this rulemaking will establish a process whereby a person may obtain a public space permit to install and maintain a publisher box corral on public space.

Final rulemaking action to adopt these amendments shall be taken not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Section 520 (NEWSPAPER VENDING STANDS) of Chapter 5 (VENDORS AND SOLICITORS) of Title 24, PUBLIC SPACE AND SAFETY, of the DCMR is repealed.

A new Chapter 36, PUBLISHER BOXES, is added to Title 24 to read as follows:

CHAPTER 36 PUBLISHER BOXES**3600 PLACEMENT OF PUBLISHER BOXES ON PUBLIC SPACE**

3600.1 Any person may place, maintain, or operate a publisher box on public space after first obtaining an annual public space permit from the Director of the District Department of Transportation (“Director”).

3600.2 The Director shall issue an annual public space permit when the following conditions are satisfied:

- (a) The Director determines that the information and documentation submitted pursuant to § 3601 are complete and accurate; and
- (b) An annual public space rental fee of five dollars (\$5) per publisher box has been paid.

3600.3 As a condition of the annual public space permit, the permittee shall indemnify and hold harmless the District of Columbia, its officers, employees or agents from any and all liability, loss, or damage the District of Columbia may suffer as a result of claims, demands, costs, or judgments against it arising from the placement of the publisher box.

3600.4 An owner of an existing publisher box on public space must obtain the annual public space permit required by § 3600.1 by July 1, 2014.

3600.5 Notwithstanding 24 DCMR § 225.1(a), an original or renewal public space permit for a publisher box is not subject to the public space permit application fee.

3601 APPLICATION AND QUALIFICATIONS TO OBTAIN A PUBLISHER BOX PERMIT

3601.1 The owner of a publisher box located or to be located on public space shall submit a public space permit application to the Director on an annual basis. The application shall be accompanied by the following:

- (a) A document stating the name, business address, phone number and, if applicable, the email address of the person requesting the annual permit, and, if different, the name, business address, phone number and, if applicable, email address of the owner of the publisher box;
- (b) A document stating the name of each publication, periodical, or document distributed from the publisher box owned by the applicant, to be used solely for DDOT confirmation of use of the publisher box by a permitted applicant;
- (c) A certificate of insurance naming the District of Columbia, a municipal corporation, its officers, and employees as an additional insured and covering any liability arising from the placement of the applicant’s publisher box on public space for the duration of the permit. The certificate of insurance shall show the following:
 - (1) The District of Columbia, a municipal corporation as the certificate holder;

- (2) Minimum general liability limits of no less than three hundred thousand dollars (\$300,000), except that any person who maintains one hundred (100) or more publisher boxes at any one time shall maintain minimum insurance coverage of one million dollars (\$1,000,000). These limits shall include a combined single limit for bodily injury, including death and property damage; and
- (3) A cancellation clause requiring notice to the District of Columbia, as certificate holder, prior to the cancellation of the insurance coverage.

3601.2 To place a publisher box on public space lawfully, the owner of the publisher box must also have a basic business license with a general business endorsement in accordance with Section 3800 of Title 17 of the District of Columbia Municipal Regulations.

3602 DISPLAY OF ANNUAL STICKER ON PUBLISHER BOXES ON PUBLIC SPACE

3602.1 In addition to the annual public space permit, the Director shall issue an annual sticker for each publisher box owned by the applicant and located on public space. Each sticker shall have the following information:

- (a) The permit number of the annual public space permit issued to the applicant; and
- (b) The expiration date of the annual public space permit.

3602.2 The applicant shall affix one (1) sticker to each publisher box in a visible location on the front side of the box at least one foot (1 ft.) above the sidewalk grade, unless another location is designated by the Director.

3603 SPECIFICATIONS OF PUBLISHER BOXES ON PUBLIC SPACE

3603.1 It shall be unlawful for any person to place a publisher box on public space unless the publisher box complies with the following specifications:

- (a) The publisher box shall be no more than fifty-two inches (52 in.) tall, twenty-five inches (25 in.) wide, and twenty-two inches (22 in.) deep. In determining whether a publisher box is in compliance with these limits, each of the dimensions of the publisher box shall be measured at its widest point, including any coin mechanism; and

- (b) The publisher box shall be sufficiently weighted at the base, or attached to other publisher boxes or a publisher box corral, so as to be secure in all weather conditions.

3603.2 The owner of the publisher box or the owner's authorized agent may use space on the publisher box to display the name and trademarks of the publication the publisher box is being used to distribute.

3604 MAINTENANCE OF PUBLISHER BOXES ON PUBLIC SPACE

3604.1 A publisher box on public space shall be maintained in good working order, including the following:

- (a) Any vandalized or otherwise damaged publisher box shall be repaired within a reasonable time, but no later than thirty (30) calendar days following the occurrence of the damage;
- (b) The interior and exterior of the publisher box shall be reasonably clean and free of graffiti, pasted bills, dents, blemishes, discoloration, and debris;
- (c) The publisher box's clear or glass parts, if any, shall be unbroken and reasonably free of graffiti, cracks, and discoloration; and
- (d) The publisher box shall be stocked with current publications and shall not remain empty of current publications for more than thirty (30) consecutive days. Any publisher box empty for longer than this period shall be deemed abandoned.

3604.2 It shall be unlawful for any person to place a publisher box on public space unless the publisher box placement complies with the following requirements:

- (a) No publisher box shall be attached to a utility pole, street light pole, traffic signal light pole, regulatory sign, parking meter, trash receptacle, fire hydrant, directional sign, bicycle rack, bike station, bus shelter, street furniture, or other public street fixture, except as allowed by Subsection 3604.3;
- (b) No publisher box shall be placed within five feet (5 ft.) of the edge of a driveway or alley, a fire hydrant, a bus shelter, a bicycle rack, or a designated vending cart location or within two feet (2 ft.) of a parking meter, a multi-space parking meter, or a traffic control cabinet;
- (c) No publisher box shall be placed on or within two feet (2 ft.) of a manhole cover, meter, or valve box cover or any utility access cover or vent cover for underground utilities;

- (d) No publisher box shall be placed upon or within five feet (5 ft.) of a pedestrian access ramp for disabled persons, including the area between any two ramps on a given corner, or within two feet (2 ft.) of a marked pedestrian crosswalk;
- (e) No publisher box shall be placed adjacent to the curved portion of any roadway curb at the corner of any city block;
- (f) No publisher box shall be placed adjacent to the roadway curb within a designated bus zone or streetcar platform;
- (g) No publisher box shall be placed adjacent to the roadway curb within a designated commercial loading zone as delineated by signage posted at the roadway curb;
- (h) No publisher box shall be placed on any space that reduces the width of the pedestrian pathway on the sidewalk to less than ten feet (10 ft.) on sidewalks having a total width of twenty feet (20 ft.) or more, eight feet (8 ft.) on sidewalks having a total width of sixteen feet (16 ft.) to twenty feet (20 ft.), or six feet (6 ft.) in other areas;
- (i) No publisher box shall be placed on or within six inches (6 in.) of a tree box or on any unpaved surface adjacent to the sidewalk;
- (j) Publisher boxes placed side by side adjacent to the roadway curb, where no publisher box corral exists, shall be no less than eighteen inches (18 in.) and no more than twenty four inches (24 in.) from, and parallel to, the vertical face of the roadway curb, with the publisher box opening facing toward the sidewalk and away from the curb;
- (k) Publisher boxes placed side by side adjacent to the roadway curb, where no publisher box corral exists, shall be arranged in groups of no more than seven (7) boxes. A space of at least six feet (6 ft.) shall separate each group of publisher boxes;
- (l) No publisher box shall be placed on public space within areas of the District zoned R-1-A, R-1-B, R-2, R-3, or R-4 (or the successor thereto) as defined by the Zoning Regulations; and
- (m) No publisher box shall be placed adjacent to a roadway curb at a location where signage designates the curb space as being reserved parking for persons with disabilities.

3604.3 Notwithstanding Subsection 3604.2(a), a publisher box may be attached to a publisher box corral; provided there is available space within the corral for the publisher box.

3605 PUBLISHER BOX CORRALS

3605.1 It shall be unlawful for any person to place or maintain a publisher box corral on the public sidewalk or other public space without first obtaining a public space permit from the Director.

3605.2 Unless in conflict with a legal priority established for a business improvement district (BID) concerning streetscape improvements, any person may submit a public space permit application to the Public Space Committee (PSC) for the purpose of installing and maintaining a publisher box corral on public space.

3605.3 An application for the installation of a publisher box corral shall include the following:

- (a) The name and contact information of the person that will be responsible for maintaining the publisher box corral;
- (b) A site plan drawn to scale showing the location and dimensions of the proposed publisher box corral and any associated new paving, including dimensions to the roadway curb and property line, a dimension specifying the distance to the nearest intersection, and showing all the existing conditions within thirty feet (30 ft.) of the corral location, including any business entrances, transit entrances, bus zones or street car platforms, crosswalks, regulatory signage, light poles, traffic signal lights, traffic control cabinet, and other public street fixtures;
- (c) A drawing of the publisher box corral showing the front and side views, the method of anchoring or attaching the corral to the ground, and, if proposed by the applicant, the placement and display of a logo or the name of the organization responsible for the corral;
- (d) A proposal for the allocation of space within the publisher box corral and any limits on the number of publisher boxes that allows for the removal or addition of publisher boxes within the corral;
- (e) Any required approvals by the U. S. Commission of Fine Arts (CFA) and by the D. C. Historic Preservation Review Board; and
- (f) The application fee required under Section 225 of this title.

3605.4 The corral shall be a height of no less than thirty-six inches (36 in.) and no more than forty-two inches (42 in.);

- 3605.5 The applicant’s proposal for the allocation of space and any limits on the placement of publisher boxes within the publisher box corral shall be content neutral.
- 3605.6 In determining whether to approve an application, the PSC shall allow as much space for publisher boxes as is consistent with pedestrian and vehicular safety and other lawful uses of the public space.
- 3605.7 As a condition of the permit, the person responsible for maintaining the publisher box corral shall bear sole responsibility, including the cost, for installing and maintaining the publisher box corral, as well as its removal, should the Director determine that the sidewalk space is needed for another public purpose, such as for a bus zone.
- 3605.8 The Director shall issue a public space permit for the installation and maintenance of the publisher box corral if:
 - (a) The application has been approved by the PSC; and
 - (b) All permit fees, pursuant to Section 225 of this title, have been paid.
- 3605.9 No person shall place or maintain any advertising on any publisher box corral other than the logo or name of the organization responsible for the publisher box corral.

3699 DEFINITIONS

When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Bus zone – a ten foot (10 ft.) wide strip of sidewalk parallel to the roadway and measured from the vertical face of the roadway curb toward the building line that runs the entire length of the area delineated as a bus zone by signage posted at the roadway curb.

DDOT or Department – District Department of Transportation.

Director – Director of the District Department of Transportation, or the Director's agent, representative, or designee.

Fixture - District government-authorized furniture or equipment that is secured or permanently affixed to public space.

Owner – a person that owns or is in control of one or more publisher boxes placed, installed, or maintained on public space. Each publisher box shall have a single owner for the purposes of this chapter.

Person –an individual or entity.

Publisher box – a self-service or coin-operated box, container, storage unit, display or dispenser installed, used, or maintained for the display, distribution, or sale of newspapers or other periodicals.

Publisher box corral –a fixture, approved by the Public Space Committee, installed on public space for the purpose of controlling the placement of publisher boxes.

Streetcar platform - the public right of way designated for public use as an embarkation/disembarkation or waiting area for the streetcar and which includes streetcar shelters, adjoining stairways, ramps and sidewalks and all attached equipment or fixtures.

All persons interested in commenting on the subject matter of this proposed rulemaking should file comments in writing, not later than thirty (30) days after the publication of this notice in the *D.C. Register*, with Samuel Zimbabwe, District of Columbia Department of Transportation, 55 M Street, S.E., 5th Floor, Washington, D.C. 20003. You may also send comments electronically to publicspace.policy@dc.gov. Copies of this proposed rulemaking are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation's website at www.ddot.dc.gov.

DEPARTMENT OF HEALTH

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Acting Director of the Department of Health, pursuant to the authority set forth in § 16 of the Choice in Drug Treatment Act of 2000, effective July 18, 2000 (D.C. Law 13-146; D.C. Official Code § 7-3015) (2008 Repl. & 2012 Supp.) and Mayor's Order 2002-73, dated April 3, 2002, hereby gives notice of the adoption of the following amendments to Section 2405.1 of Chapter 24 (Choice in Drug Treatment) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR) on an emergency basis. The Acting Director intends to take final rulemaking action to adopt the amendments in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*, and upon completion of the forty-five (45) day Council period of review, if the Council does not act earlier to adopt a resolution approving the rules.

The Acting Director adopted this emergency rule on August 15, 2013. Emergency action is necessary to preserve health, safety, and welfare by expanding the acceptable proofs of residency for substance abuse treatment in harmony with acceptable proofs of residency for other behavioral health programs. The emergency and proposed rules would amend the proof of residency requirements for participation in the Choice in Drug Treatment Program to harmonize residency requirements for substance abuse treatment with other behavioral health programs.

The emergency rule became effective on adoption date, and shall continue in effect for one hundred twenty (120) days, expiring on December 23, 2013, or until publication of a notice of final rulemaking, whichever occurs earlier. Council approval is required for the rule to become final. The Council has a 45-day period of time, excluding Saturdays, Sundays, legal holidays, and days of Council recess, to approve or deny the proposed rule. If the Council does not approve or disapprove the proposed rule, in whole or in part, by resolution, within this 45-day review period, the proposed rule shall be deemed approved. The rule shall become final upon publication of a Notice of Final Rulemaking in the *D.C. Register*.

Section 2405.1(a) of Chapter 24 (Choice in Drug Treatment), Title 29 (Public Welfare) of the DCMR is amended to read as follows:

- (a) The applicant shall provide proof of District residency by presenting one (1) of the following:
- (1) A valid motor vehicle operator's permit issued by the District;
 - (2) A non-driver identification card issued by the District;
 - (3) A voter registration card with an address in the District;
 - (4) A copy of a lease or a rent receipt for real property located in the District;
 - (5) A utility bill for real property located in the District;

- (6) A letter from a shelter verifying that the shelter is a place of residence for an individual with the intent to remain in the District;
- (7) A letter from a nonprofit agency verifying residency;
- (8) Confirmation of District Medicaid eligibility;
- (9) Verification that a parent or guardian is a District resident; or
- (10) Verification of care of custody by Child and Family Services Administration, Division of Youth Rehabilitation Services or Court Social Services.

Comments on the proposed rules should be sent in writing to the Department of Health, Office of the General Counsel, 5th Floor, 899 North Capitol Street, NE, Washington, DC 20002, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the proposed rules may be obtained Monday through Friday, except holidays, between the hours of 8:15 A.M. and 4:45 P.M. at the same address. Questions concerning the rulemaking should be directed to Angli Black, Administrative Assistant, at Angli.Black@dc.gov or (202) 442-5977.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-149
August 19, 2013

SUBJECT: Appointment – Mayor's Commission on HIV/AIDS


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.), and in accordance with Mayor's Order 2013-126, dated July 12, 2013, it is hereby **ORDERED** that:

1. **MICHAEL KHARFEN** is appointed as an *ex-officio*, non-voting member of the Mayor's Commission on HIV/AIDS, in his capacity as Interim Senior Deputy Director of the HIV/AIDS, Hepatitis, STD and TB Administration (HAHSTA) of the Department of Health, replacing Gregory Pappas, M.D., PhD, and shall serve at the pleasure of the Mayor for so long he remains an employee of the District government.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-150
August 21, 2013

SUBJECT: Designation of Special Event Areas – 50th Anniversary March on Washington Realize the Dream March and Rally

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2012 Supp.), and pursuant to 19 DCMR 1301.8, it is hereby **ORDERED** that:


The following public space areas shall be designated as Special Event Areas to accommodate activities associated with the 50th Anniversary March on Washington Realize the Dream March and Rally:

- A. On Saturday, August 24, 2013, commencing at 5:00 a.m. and continuing until 7:00 p.m., the following shall be closed to vehicular traffic:
 1. The north and south curb lanes of Independence Avenue, S.W. between 7th and 14th Streets;
 2. The north and south curb lanes of Maine Avenue, S.W. between 6th and 12th Streets; and
 3. The north and south curb lanes of D Street, S.W. between 7th and 12th Streets.
- B. The designated areas shall be operated and overseen by the Office of the Deputy Mayor for Public Safety and Justice.
- C. This Order is authorization for the use of the designated streets and curb lanes only, and the named operator shall secure and maintain all other licenses and permits applicable to the activities associated with the operation of the event. All building, health, life, safety, and use of public space requirements shall remain applicable to the Special Event Areas designated by this Order.

D. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-151
August 21, 2013

SUBJECT: Designation of Special Event Areas – 55th Anniversary of Ben's Chili Bowl

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2012 Supp.), and pursuant to 19 DCMR 1301.8, it is hereby **ORDERED** that:


The following public space areas shall be designated as Special Event Areas to accommodate activities associated with the 55th Anniversary of Ben's Chili Bowl:

- A. On Thursday, August 22, 2013, commencing at 9:00 a.m. and continuing until 4:00 p.m., the following shall be closed to vehicular traffic:
 1. The unit block of Ben Ali Way, N.W.; and
 2. The north curb lane of the 1200 block of U Street, N.W.
- B. The designated areas shall be operated and overseen by the Office of the Mayor.
- C. This Order is authorization for the use of the designated streets and curb lanes only, and the named operator shall secure and maintain all other licenses and permits applicable to the activities associated with the operation of the event. All building, health, life, safety, and use of public space requirements shall remain applicable to the Special Event Areas designated by this Order.

D. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-152
August 21, 2013

SUBJECT: Appointment – 50th Anniversary of the March on Washington
Commemorative Committee


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2012 Supp.), and in accordance with Mayor's Order 2013-111, dated June 25, 2013, it is hereby **ORDERED** that:

- I. **CORA MASTERS BARRY** is appointed as a member of the 50th Anniversary of the March on Washington Commemorative Committee and shall serve in that capacity at the pleasure of the Mayor.
- II. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

CEDAR TREE ACADEMY
REQUEST FOR PROPOSALS

Telephone System and Security System

Cedar Tree Academy Public Charter School invites proposals for Telephone System and Security System contracts for 2013-2014. Bid specifications may be obtained on our website at www.cedartree-dc.org. Any questions regarding this bid must be submitted in writing to lhenderson@cedartree-dc.org before the RFP deadline. Bids must be submitted to the address below.

Dr. LaTonya Henderson
Executive Director/Principal
Cedar Tree Academy Public Charter School
701 Howard Road, SE
Washington, DC 20020

Cedar Tree Academy will receive bids until Tuesday, September 3, 2013 and no later than 2:00 p.m.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**BUSINESS REGULATORY REFORM TASK FORCE****NOTICE OF PUBLIC FORUM AND SOLICITATION OF COMMENTS**

The Business Regulatory Reform Task Force (Task Force) is soliciting comments from the public regarding simplifying and streamlining the regulatory requirements for doing business in the District of Columbia.

The Task Force will be holding an open public forum on Tuesday, September 10, 2013 from 6:30 p.m. to 8:30 p.m. The public forum will be held at 1100 Fourth Street, SW, Washington, D.C., Conference Room E-200.

The Task Force is interested in receiving thoughts and recommendations on the following general topic areas:

- For either construction permitting or business licensing, are there areas with significant overlap and/or inconsistency between agencies involved in the review and approval process?
- Are there specific District statutes or regulations that are obsolete, inconsistent or duplicative relevant to the business licensing or construction permitting processes?
- Would fee reduction or financial incentives make the District more competitive and attractive to businesses?
- What technological changes or developments would be beneficial to customers seeking to obtain or renew business licenses or construction permits?

All submitted comments will be reviewed by the Task Force and will provide critical insight into District business owners' experiences navigating the regulatory regime.

In addition to the public forum, comments may also be submitted in writing by email to BizRegReform@dc.gov or by mail to DCRA, Office of the Director, Attn: Business Regulatory Reform Task Force, 1100 Fourth Street, SW, Washington, D.C. 20024. Comments will be accepted until 5 p.m. on Friday, September 13, 2013. All written comments will be posted on the Task Force website: <http://dcbizreform.dc.gov/>

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
NOTICE OF VENDING REGULATIONS INFORMATION SESSIONS

The Department of Consumer and Regulatory Affairs will be offering several free training sessions to the public regarding the recently approved vending business license regulations.

Staff from DCRA, the Department of Health (DOH), the Department of Transportation (DDOT), the Metropolitan Police Department (MPD), the Fire and Emergency Medical Services Department (FEMS), the Office of Tax and Revenue (OTR), and the Department of the Environment (DDOE) will be on hand to answer questions on topics such as:

- Vending licenses (classes, types, and requirements);
- Sidewalk vending;
- Mobile roadway vending (e.g., food and merchandise/services trucks);
- Vendor employee ID badges;
- Vending locations;
- Public/Farmers markets;
- Fees; and
- New vending business opportunities.

The free training sessions will be held on the following dates and times:

- Saturday, August 17 from 9:00 am to 11:00 am.
- Monday, August 19 from 6:00 pm to 8:00 pm.
- Saturday, August 24 from 9:00 am to 11:00 am.
- Monday, August 26 from 6:00 pm to 8:00 pm.
- Tuesday, August 27 from 6:00 pm to 8:00 pm.

Each of the training sessions will be held at the DCRA offices at 1100 Fourth Street, SW, Second Floor Conference Room (Room E-200), Washington, D.C. 20024. The location is on the Metro Green Line, at the Waterfront stop. Limited paid parking is available on site.

To register for any of the free training sessions, please visit:
<http://bizdc.ecenterdirect.com/Conferences.action> and search for keyword “vending”.

If you need assistance with registering for any of the training sessions, please contact the DCRA Small Business Resource Center at 202-442-4538 or email Claudia.Herrera@dc.gov or India.Blocker@dc.gov.

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

The District of Columbia Board of Elections hereby gives notice that there is a vacancy in one (1) Advisory Neighborhood Commission office, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 5B03

Petition Circulation Period: **Monday, August 26, 2013 thru Monday, September 16, 2013**
Petition Challenge Period: **Thursday, Sept. 19, 2013 thru Wednesday, Sept. 25, 2013**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections
441 - 4th Street, NW, Room 250N
Washington, DC 20001**

For more information, the public may call **727-2525**.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2013

PUBLIC NOTICE**AIR QUALITY TITLE V OPERATING PERMIT AND
GENERAL PERMIT FOR
SAINT ELIZABETHS WEST CAMPUS**

Notice is hereby given that General Services Administration has applied for a Title V air quality permit pursuant to the requirements of Title 20 of the District of Columbia Municipal Regulations, Chapters 2 and 3 (20 DCMR Chapters 2 and 3) to operate the following notable emission units: two (2) 16.63 MMBtu/hr dual-fuel boilers; two (2) 12.45 MMBtu/hr dual-fuel boilers; four (4) small hot water heaters; two (2) 2191 kW emergency generators; two (2) 2711 kW emergency generators; one (1) 2180 kW pump house emergency generator, and one (1) trailer-mounted 620 kW emergency generator, at Saint Elizabeths West Campus located at 2701 Martin Luther King, Jr. Ave. SE, Washington DC. The contact person is Everett Smallwood, Customer Service Manager, at (202) 438-8471.

Saint Elizabeths West Campus (SEWC), has the potential to emit 19.86 tons per year (TPY) of nitrogen oxides (NO_x), 1.00 TPY of sulfur dioxide (SO₂), 1.44 TPY of particulate matter (PM), 1.50 TPY of volatile organic compounds (VOC), and 17.50 TPY of carbon monoxide.

Under normal maximum operating conditions for determination of the potential emissions of the facility (i.e., 500 hours per year per emergency generator), the combined emissions of the generators could possibly have exceeded the major source thresholds, and thus trigger a Non Attainment New Source Review (NNSR). In order to avoid this possibility, the facility opted for fuel and operating hour restrictions to keep their potential to emit nitrogen oxides under the major source threshold. The Chapter 3 permitting process is being used in this case to make these limits federally enforceable and enforceable as a practical matter.

Description and Emission Information for Unit being Permitted for the First Time

A trailer-mounted Caterpillar emergency diesel generator described below was neither in the initial Title V Permit application submitted to the District Department of the Environment nor permitted under the Chapter 2 Permit provisions of Title 20 of the District of Columbia Municipal Regulations, 20 DCMR. By way of this notice, the requirements of the Chapter 2 permit for this new emergency generator are hereby incorporated into the facility's Title V operating permit being processed. The emergency generator is subject to the requirements of the New Source Performance Standards (NSPS), and these form the basis of the emission limits listed below.

| Equipment Location | Location Address | Engine Size | Engine Serial Number |
|------------------------------------|--|-------------------|----------------------|
| Main Electric Service Vault (MESV) | 2701 Martin Luther King, Jr. Ave. SE Washington, DC 20032 | 620 kW (804.6 hp) | X6W00206 |

The proposed emission limits for the new emergency generators are as follows:

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

| Emission Standards | |
|----------------------|---------|
| Pollutant | g/kW-hr |
| NMHC+NO _x | 6.4 |
| CO | 3.5 |
| PM | 0.2 |

- b. Visible emissions shall not be emitted into the outdoor atmosphere from stationary sources (excluding fuel-burning equipment placed in initial operation before January 1, 1977); Provided, that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, soot blowing, adjustment of combustion controls, or malfunction of 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 emergency generator are as follows:

| Pollutant | Emission Rate (lb/hr) | Maximum Annual Emissions (tons/yr) |
|-----------------|-----------------------|------------------------------------|
| PM (Total) | 0.26 | 0.014 |
| SO _x | 0.01 | 0.0004 |
| NO _x | 8.46 | 0.4443 |
| VOC | 0.51 | 0.027 |
| CO | 4.63 | 0.243 |

The District Department of the Environment (DDOE) has reviewed the permit application and related documents and has made a preliminary determination that the applicant meets all applicable air quality requirements promulgated by the U.S. Environmental Protection Agency (EPA) and the District. Therefore, draft permit #044 has been prepared.

The application, the draft permit, and all other materials submitted by the applicant [except those entitled to confidential treatment under 20 DCMR 301.1(c)] considered in making this

preliminary determination are available for public review during normal business hours at the offices of the District Department of the Environment, 1200 First Street NE, 5th Floor, Washington DC 20002.

A public hearing on this permitting action will not be held unless DDOE has received a request for such a hearing within 30 days of the publication of this notice. Interested parties may also submit written comments on the permitting action. Hearing requests or comments should be directed to Stephen S. Ours, DDOE Air Quality Division, 1200 First Street NE, 5th Floor, Washington DC 20002. Questions about this permitting action should be directed to John C. Nwoke at (202) 724-7778 or john.nwoke@dc.gov. Comments or hearing requests will not be accepted after September 23, 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, 5th Floor, Washington, DC, intends to issue Permit #6342-R1 to the George Washington University to operate one John Deere emergency diesel generator engine, located in Washington, DC. The contact person for the facility is James Schrote, Executive Director, Facilities Services, at (202) 994-0543.

Emergency Generator Engine to be Permitted

| Equipment Location | Location Address | Engine Size | Engine Serial Number | Permit No. |
|--|--|--------------------|-----------------------------|-------------------|
| Eckles Library Mount Vernon Campus | 2100 Foxhall Road NW Washington, DC | 118 kW (158 hp) | PE4045L123092 | 6342-R1 |

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)]:

| Emission Standards | |
|---------------------------|----------------|
| Pollutant | g/kW-hr |
| NMHC+NO _x | 4.0 |
| CO | 5.0 |
| PM | 0.3 |

- b. Visible emissions shall not be emitted into the outdoor atmosphere from the generator engine, 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 Emergency Generator Engine are as follows:

| Pollutant | Emission Rate (lb/hr) | Maximum Annual Emissions (tons/yr) |
|---------------------------------------|-----------------------|------------------------------------|
| Carbon Monoxide (CO) | 1.08 | 0.270 |
| Oxides of Nitrogen (NO _x) | 5.01 | 1.25 |
| Total Particulate Matter , PM (Total) | 0.352 | 0.0880 |
| Volatile Organic Compounds (VOCs) | 0.409 | 0.102 |
| Sulfur Dioxide (SO _x) | 0.00175 | 0.000438 |

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

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

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
 Chief, Permitting Branch
 Air Quality Division
 District Department of the Environment
 1200 First Street NE, 5th Floor
 Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after September 23, 2013 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2013

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue Permit #6741 to the George Washington University to construct and operate one MTU/Detroit Diesel emergency diesel generator, located in Washington, DC. The contact person for the facility is James Schrote, Executive Director, Facilities Services, at (202) 994-0543.

Emergency Generator to be Permitted

| Equipment Location | Address | Equipment Size | Model Number | Permit No. |
|------------------------------|--|-----------------------|---------------------|-------------------|
| Science and Engineering Hall | 800 22 rd Street NW Washington, DC | 1,736 kW (2328 hp) | 12V 4000 G43 | 6741 |

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)]:

| Emission Standards | |
|---------------------------|----------------|
| Pollutant | g/kW-hr |
| NMHC+NO _x | 6.4 |
| 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 Emergency Generator are as follows:

| Pollutant | Emission Rate (lb/hr) | Maximum Annual Emissions (tons/yr) |
|---------------------------------------|-----------------------|------------------------------------|
| Carbon Monoxide (CO) | 2.54 | 0.635 |
| Oxides of Nitrogen (NO _x) | 0.268 | 6.71 |
| Total Particulate Matter , PM (Total) | 0.249 | 0.062 |
| Volatile Organic Compounds (VOCs) | 0.597 | 0.149 |
| Sulfur Dioxide (SO _x) | 0.028 | 0.0071 |

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

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

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
 Chief, Permitting Branch
 Air Quality Division
 District Department of the Environment
 1200 First Street NE, 5th Floor
 Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after September 23, 2013 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2013

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue Permit #6742 to the George Washington University to construct and operate a second MTU/Detroit Diesel emergency diesel generator, located in Washington, DC. The contact person for the facility is James Schrote, Executive Director, Facilities Services, at (202) 994-0543.

Emergency Generator to be Permitted

| Equipment Location | Address | Equipment Size | Model Number | Permit No. |
|------------------------------|--|-----------------------|---------------------|-------------------|
| Science and Engineering Hall | 800 22 nd Street NW Washington, DC | 1,736 kW (2328 hp) | 12V 4000 G43 | 6742 |

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)]:

| Emission Standards | |
|---------------------------|----------------|
| Pollutant | g/kW-hr |
| NMHC+NO _x | 6.4 |
| 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 Emergency Generator are as follows:

| Pollutant | Emission Rate (lb/hr) | Maximum Annual Emissions (tons/yr) |
|---------------------------------------|------------------------------|---|
| Carbon Monoxide (CO) | 2.54 | 0.635 |
| Oxides of Nitrogen (NO _x) | 0.268 | 6.71 |
| Total Particulate Matter , PM (Total) | 0.249 | 0.062 |
| Volatile Organic Compounds (VOCs) | 0.597 | 0.149 |
| Sulfur Dioxide (SO _x) | 0.028 | 0.0071 |

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

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

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after September 23, 2013 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2013

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue Permit #6744 to the George Washington University to construct and operate one Cummins Inc. emergency diesel generator, located in Washington, DC. The contact person for the facility is James Schrote, Executive Director, Facilities Services, at (202) 994-0543.

Emergency Generator to be Permitted

| Equipment Location | Address | Equipment Size | Model Number | Permit No. |
|--|------------------------------------|-----------------------|---------------------|-------------------|
| School of Public Health & Human Services | 2300 K Street NW Washington, DC | 1,112 kW (1490 hp) | QST30-G5 NR2 | 6744 |

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)]:

| Emission Standards | |
|---------------------------|----------------|
| Pollutant | g/kW-hr |
| NMHC+NO _x | 6.4 |
| 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 Emergency Generator are as follows:

| Pollutant | Emission Rate (lb/hr) | Maximum Annual Emissions (tons/yr) |
|---------------------------------------|-----------------------|------------------------------------|
| Carbon Monoxide (CO) | 2.15 | 0.539 |
| Oxides of Nitrogen (NO _x) | 12.9 | 3.22 |
| Total Particulate Matter , PM (Total) | 0.359 | 0.0898 |
| Volatile Organic Compounds (VOCs) | 0.229 | 0.0571 |
| Sulfur Dioxide (SO _x) | 0.359 | 0.0898 |

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

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

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after September 23, 2013 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2013

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #6749 to Potomac Creek Associates, L.L.C. to construct and operate one (1) 450 kW diesel-fired emergency generator set at 955 L'Enfant Plaza North, SW, Suite 1208, Washington, DC 20024. The contact person for the facility is Dan Purcell at (202) 485-3300.

Emissions:

Maximum annual potential emissions from the unit are expected to be as follows:

| | Maximum Annual Emissions |
|--|---------------------------------|
| Pollutant | (tons/yr) |
| Particulate Matter (PM) (Total) ¹ | 0.01 |
| Sulfur Oxides (SO _x) | 0.0021 |
| Nitrogen Oxides (NO _x) | 1.33 |
| Volatile Organic Compounds (VOC) | 0.04 |
| Carbon Monoxide (CO) | 0.16 |

The proposed overall emission limits for the equipment are as follows:

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

| Pollutant Emission Limits (g/kW-hr) | | |
|--|-----|------|
| NMHC+NO _x | CO | PM |
| 4.0 | 3.5 | 0.20 |

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this 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 permit application and supporting documentation, along with the draft permit are all available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments postmarked after September 23, 2013 will be accepted.

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

DISTRICT OF COLUMBIA HOUSING AUTHORITY
BOARD OF COMMISSIONERS

NOTICE OF SCHEDULING
OF EMERGENCY PUBLIC MEETING

Wednesday, August 28, 2013
1133 North Capitol Street, NE
3:30 pm.

A G E N D A

I. Call To Order [*Moment of Silence*] And Quorum

II. Resolutions

Public Comment

A. Resolution 13-15

To Approve a Contract for Case Management Support
Services for the Kenilworth- Parkside Choice Neighborhoods
Initiative Implementation Grant

- 1. Description of Resolution
- 2. Board Action on Resolution

III. Public Comment

Residents
Nonresidents

IV. Announcements

V. Adjournment

A notice of the meeting of the DCHA Board of Commissioners will also be posted at 1133 North Capitol Street, NE and on the District of Columbia Housing Authority website: www.dchousing.org

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA**NOTICE OF COMMUNITY HEARINGS****PUBLIC INPUT SOUGHT ON PEPCO'S RATE APPLICATION****FORMAL CASE No. 1103, IN THE MATTER OF THE APPLICATION OF THE
POTOMAC ELECTRIC POWER COMPANY FOR AUTHORITY TO
INCREASE EXISTING RETAIL RATES AND CHARGES
FOR ELECTRIC DISTRIBUTION SERVICE**

This Notice informs the public that the Public Service Commission of the District of Columbia ("Commission") seeks input on the rate application submitted by the Potomac Electric Power Company ("Pepco") requesting authority to increase existing distribution service rates and charges for electric service in the District of Columbia. Pepco seeks a revenue rate increase of \$51.75 million. Pepco is the sole distributor of electric power to homes and businesses in the District; hence the Commission will set Pepco's distribution service rates in this rate case and not the cost of electricity itself.

- Pepco requests authority to earn an 8.07% Rate of Return, including a return on common equity of 10.25%. Per the Commission's decision in Formal Case No. 1087, rendered in September 2012, Pepco's current allowed Rate of Return is 8.03%, including a Return on Equity of 9.50%.
- Pepco's Reliability Enhancement Plan includes multi-year initiatives to improve reliability performance by reducing the frequency and duration of outages. Pepco asserts that to achieve the reliability standards the Commission has established, continued and increased investment in reliability initiatives is required. Pepco's construction budget for planned reliability-related projects is about \$136 million for 2013 and \$678 million for a five-year plan from 2013 to 2017.
- Pepco's proposed test year for the proceeding is the 12 months ending December 31, 2012, based on 12 months of actual data. However, Pepco is requesting recovery of reliability plant additions through December 2013. Based on Pepco's filing, reliability investments are the single largest factor driving the Company's rate increase request.
- Pepco's proposals would add about \$6.00 to the monthly bill for the typical residential customer and increase the minimum monthly customer charge from \$9.25 per month to \$12.21 per month for both the standard (R) class and the All-Electric (AE) residential class.

The Commission published a Public Notice on March 22, 2013, regarding this application in the *D.C. Register* to allow interested persons to intervene in Formal Case No. 1103, the formal case established to adjudicate Pepco's application. The Public Notice can be accessed online at www.dcpsc.org or viewed at any public library. A hard copy of the Public Notice can be obtained by calling (202) 626-5150.

FC 1103 – Community Hearings

The Commission will convene four (4) community hearings at the following locations on the specified dates:

Ward 2

D.C. Public Service Commission
Hearing Room
1333 H Street, NW, 7th Floor East Tower
Washington, D.C. 20005
Monday, September 30, 2013, 10:00 a.m.

Ward 4

Emery Recreation Center
5701 Georgia Ave, NW
Washington, D.C. 20011
Thursday, September 19, 2013, 6:30 p.m.

Ward 7

Deanwood Recreation Center
1350 49th Street, NE
Washington, D.C. 20019
Wednesday, October 2, 2013, 6:30 p.m.

Ward 8

Thurgood Marshall Public Charter School
2427 Martin Luther King Jr. Avenue, SE
Washington, D.C. 20020
Saturday, November 2, 2013, 11:00 a.m.

Those who wish to testify at the community hearings should contact the Commission Secretary by the close of business three (3) business days prior to the date of the hearing by calling (202) 626-5150. Representatives of organizations shall be permitted a maximum of five (5) minutes for oral presentations. Individuals shall be permitted a maximum of three (3) minutes for oral presentations. If an organization or an individual is unable to offer comments at the community hearings, written statements may be submitted to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, NW, Suite 200, West Tower, Washington D.C. 20005 or by email to Psc-commissionsecretary@psc.dc.gov.

Any person who is deaf or hearing-impaired, and cannot readily understand or communicate in spoken English, and persons with disabilities who need special accommodations in order to participate in the hearing, must contact the Commission Secretary by close of seven (7) business days prior to the date of the hearing. Persons who wish to testify in Spanish, Chinese, Amharic, or Korean must also contact the Commission Secretary by close of business three (3) business days before the date of the hearing. **The number to call to request special accommodations and interpretation services is (202) 626-5150.**

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT**NOTICE OF FUNDING AVAILABILITY****DC Commercial Clean Team Program:****12th Street, NE; Connecticut Avenue, NW; and Minnesota Avenue, NE**

The Department of Small and Local Business Development (DSLBD) is soliciting applications from eligible applicants to manage a **DC Commercial Clean Team Program** (“the Program”) in three service areas—12th Street, NE; Connecticut Avenue, NW; Minnesota Avenue, NE. This NOFA has been amended since its original posting on August 9, 2013. Amended items have asterisk (*).

Through this grant DSLBD will fund clean teams, which will: 1) Improve commercial district appearance to help increase foot traffic, and consequently, opportunity for customer sales; 2) Reduce litter, graffiti, and posters which contributes to the perception of an unsafe commercial area; 3) Maintain a healthy tree canopy and landscape that contributes to the perception of a safe and attractive shopping area; and, 4) Reduce stormwater pollution generated by DC’s commercial districts.

Eligible applicants are DC-based nonprofit organizations* that are incorporated in the District of Columbia and, have experience with: a) providing clean team services (litter removal, graffiti removal, recycling, weeding, mowing, and reporting public space defects via 311); b) providing job-training services to its employees; c) hiring District residents; and d) providing social support services to its Clean Team employees. Businesses are no longer eligible applicants.*

For all service areas, the grant performance period will begin no later than October 30, 2013* and end September 30, 2014. A grant award of \$133,333.33 is available for each service area; Interested applicant’s proposals should be for this amount. DSLBD will award one grant per service area (i.e., a total of three grants).

DSLBD will select grant recipients through a competitive application process that will assess if the Applicant meets the criteria for: the proposed service delivery plan, costs, and applicant capacity. Applicants may apply for one or more service areas. A separate application must be submitted for each service area. DSLBD will award one grant for each of the five service areas (i.e., a total of five grants)

The **Request for Application** (RFA) comprises the Program Guidelines (RFA Part 1) and online application form (RFA Part 2). The Program Guidelines will include a detailed description of: clean team services; service area boundaries; applicant eligibility requirements; and selection criteria. The RFA will be available online on or before August 30, 2013*.

- To view and download RFA Part 1, visit www.dslbd.dc.gov (click on the *Retail* tab and then *Current Solicitations and Opportunities*).

- To view and complete RFA Part 2, email an **Expression of Interest** form to DSLBD. To download an Expression of Interest form, visit www.dslbd.dc.gov, click on the *Retail* tab and then *Current Solicitations and Opportunities*.

DSLBD will host a **Pre-Submission Meeting** on Friday, September 6, 2013* at 10AM. Meeting details will be provided to Expression of Interest respondents.

The **deadline to submit applications** online is Friday, September 20, 2013* at 4:00 PM. DSLBD will determine grant award selection by Monday, October 7, 2013.

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

DSLBD reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT

NOTICE OF FUNDING AVAILABILITY

DC Commercial Clean Team Program:

**Bladensburg Road, NE; Georgia Avenue, NW; Kennedy Street, NW;
North Capitol Street; Rhode Island Avenue, NE; and Ward 1**

The Department of Small and Local Business Development (DSLBD) is soliciting applications from eligible applicants to manage a **DC Commercial Clean Team Program** (“the Program”) in five service areas—Bladensburg Road, NE; Georgia Avenue, NW; Kennedy Street, NW; North Capitol Street; Rhode Island Avenue, NE; and Ward 1. This NOFA has been amended since its original posting on August 9, 2013. Amended items have asterisk (*).

Through this grant, DSLBD will fund clean teams, which will: 1) Improve commercial district appearance to help increase foot traffic, and consequently, opportunity for customer sales; 2) Reduce litter, graffiti, and posters which contributes to the perception of an unsafe commercial area; 3) Maintain a healthy tree canopy and landscape that contributes to the perception of a safe and attractive shopping area; and, 4) Reduce stormwater pollution generated by DC’s commercial districts.

Eligible applicants are DC-based nonprofit organizations* that are incorporated in the District of Columbia and, have experience with: providing clean team services (litter removal, graffiti removal, recycling, weeding, mowing, and reporting public space defects via 311). Businesses are no longer eligible applicants.*

The period of performance and maximum grant award for each service area are as follows:

- **Bladensburg Road, NW; Georgia Avenue, NW; Kennedy Street, NW; and Ward 1**—The grant performance period for all three areas begins no later than October 30, 2013* and ends September 30, 2014. A grant award of \$100,000 is available for each service area; Interested applicant’s proposals should be for this amount.
- **North Capitol**—The grant performance period begins no later than October 30, 2013* and ends January 31, 2014. A grant award of \$24,000 is available for each service area; Interested applicant’s proposals should be for this amount.
- **Rhode Island Avenue, NE**—The grant performance period begins no later than October 30, 2013* and ends June 30, 2014. A grant award of \$73,000 is available for each service area; Interested applicant’s proposals should be for this amount.

DSLBD will select grant recipients through a competitive application process that will assess if the Applicant meets the criteria for: the proposed service delivery plan, costs, and applicant capacity. Applicants may apply for one or more service areas. A separate application must be submitted for each service area. DSLBD will award one grant for each of the five service areas (i.e., a total of five grants).

The **Request for Application** (RFA) comprises the Program Guidelines (RFA Part 1) and online application form (RFA Part 2). The Program Guidelines will include a detailed description of: clean team services; service area boundaries; applicant eligibility requirements; and selection criteria. The RFA will be available online on or before August 30, 2013. *

- To view and download RFA Part 1, visit www.dslbd.dc.gov (click on the *Retail* tab and then *Current Solicitations and Opportunities*).
- To view and complete RFA Part 2, email an **Expression of Interest** form to DSLBD. To download an Expression of Interest form, visit www.dslbd.dc.gov, click on the *Retail* tab and then *Current Solicitations and Opportunities*.

DSLBD will host a **Pre-Submission Meeting** on Friday, September 6, 2013* at 10AM. Meeting details will be provided to Expression of Interest respondents.

The **deadline to submit applications** online is Friday, September 20, 2013* at 4:00 PM. DSLBD will determine grant award selection by Monday, October 7, 2013.

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

DSLBD reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.

UNIVERSITY OF THE DISTRICT OF COLUMBIA
ACADEMIC AFFAIRS COMMITTEE OF THE BOARD OF TRUSTEES

NOTICE OF PUBLIC MEETING

The Academic Affairs Committee of the Board of Trustees of the University of the District of Columbia will be meeting on Wednesday, August 28, 2013 at 4:00 p.m. The meeting will be held in the Board Room, Third Floor, Building 39 at the Van Ness Campus, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Below is the planned agenda for the meeting. The final agenda will be posted to the University of the District of Columbia's website at www.udc.edu.

For additional information, please contact: Beverly Franklin, Executive Secretary, at (202) 274-6258 or bfranklin@udc.edu.

Planned Agenda

- I.** Call to Order and Roll Call
- II.** Approval of Minutes
- III.** Briefing on Academic Plan
- IV.** Update on Various Academic Matters
 - a. Current Academic Year
 - b. Update on Accreditations
 - i. Revised timeline for Middle States Reaccreditation Visit
 - ii. Professional accreditation visits anticipated during academic year
 1. Architecture
 2. Social Work
 3. Dietetics
- V.** Resolutions
 - a. Tenure to Full Professors
 - i. Professor Paul Cotae, School of Engineering and Applied Sciences
 - ii. Professor Byunggu Yu, School of Engineering and Applied Sciences
 - iii. Professor Matthew Fraidin, David A. Clarke School of Law
 - b. Approval of Professor Emeritus Status
 - i. Marie Racine
 - ii. Victor Katz
 - iii. Eugene Shiro
 - iv. Beverly Jacques Anderson
- VI.** Proposed Honorary Degree Conferrals for Spring 2014 Commencement (already approved by Board)
 - a. Mary Frances Berry (Resolution 2013-10)
 - b. Marie C. Johns (Resolution 2013-11)
 - c. William Lucy (Resolution 2013-14)
- VII.** Closing

Adjournment

UNIVERSITY OF THE DISTRICT OF COLUMBIA

JOINT MEETING OF THE AUDIT, ADMINISTRATION, AND GOVERNANCE
COMMITTEE AND STUDENT AFFAIRS COMMITTEE OF THE BOARD OF
TRUSTEES

NOTICE OF PUBLIC MEETING

The Joint Meeting of the Audit, Administration and Governance Committee and Student Affairs Committee of the Board of Trustees of the University of the District of Columbia will be held on Wednesday, August 28, 2013 at 5:30 p.m. The meeting will be held in the Board Room, Third Floor, Building 39 at the Van Ness Campus, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Below is the planned agenda for the meeting. The final agenda will be posted to the University of the District of Columbia's website at www.udc.edu.

For additional information, please contact: Beverly Franklin, Executive Secretary, at (202) 274-6258 or bfranklin@udc.edu.

Planned Agenda

- I. Call to Order and Roll Call
- II. Approval of Minutes
- III. A133 Audit Report
- IV. Admissions/Enrollment Report
- V. Financial Aid Update
- VI. Counseling/Disability Services Reporting Changes
- VII. Student Affairs Planning Update
- VIII. Legal Service
- IX. Freedom of Information Act (FOIA) DCMR Updates
- X. Conflict of Interest
- XI. Housing and Residence Life
- XII. Closing

Adjournment

UNIVERSITY OF THE DISTRICT OF COLUMBIA
BUDGET AND FINANCE COMMITTEE OF THE BOARD OF TRUSTEES

NOTICE OF PUBLIC MEETING

The Budget and Finance Committee of the Board of Trustees of the University of the District of Columbia will be meeting on Tuesday, August 27, 2013 at 6:00 p.m. The meeting will be held in the Board Room, Third Floor, Building 39 at the Van Ness Campus, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Below is the planned agenda for the meeting. The final agenda will be posted to the University of the District of Columbia's website at www.udc.edu.

For additional information, please contact: Beverly Franklin, Executive Secretary, at (202) 274-6258 or bfranklin@udc.edu.

Planned Agenda

- I. Call to Order and Roll Call**
- II. Approval of Minutes**
- III. Third Quarter Budget Report**
- IV. Closing**

Adjournment

UNIVERSITY OF THE DISTRICT OF COLUMBIA
COMMUNITY COLLEGE COMMITTEE OF THE BOARD OF TRUSTEES

NOTICE OF PUBLIC MEETING

The Community College Committee of the Board of Trustees of the University of the District of Columbia will be meeting on Monday, August 26, 2013 at 5:00 p.m. The meeting will be held in the Board Room, Third Floor, Building 39 at the Van Ness Campus, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Below is the planned agenda for the meeting. The final agenda will be posted to the University of the District of Columbia's website at www.udc.edu.

For additional information, please contact: Beverly Franklin, Executive Secretary, at (202) 274-6258 or bfranklin@udc.edu.

Planned Agenda

- I. Call to Order and Roll Call**
- II. Approval of Minutes – April 9, 2013**
- III. Update on Fall 2013 Enrollment**
- IV. Update on Academic Planning**
- V. HR/Personnel**
 - a. Faculty Hiring**
- VI. Update from Meeting with Middle States Association (Philadelphia, PA)**
- VII. Backus Renovation Project**
- VIII. Continuing Education Presentation**
- IX. Update on FY '14 Budget**
- X. Other Announcements**
 - a. Grants (Marriott Marquis)**
 - b. New Honor Society Established at the Community College**
 - i. National Society of Collegiate Scholars**
- XI. Closing**

Adjournment

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, September 5, 2013, at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com.

For additional information, please contact: Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

- I. Call to Order (Board Chairman)**
- II. Roll Call (Board Secretary)**
- III. Approval of July 3, 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. Joint Meeting of the Environmental Quality and Sewerage Services Committee/Water Quality and Water Services Committee
 - 5. Water Quality and Water Services Committee (Committee Chairperson)
 - 6. Finance and Budget 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. 18174-B of Application of EDCO, LLC¹, Motion for Minor Modification of Approved Plans for Application No. 18174, pursuant to § 3129 of the Zoning Regulations.

The original application was pursuant to 11 DCMR § 3103.2, for a variance from the lot occupancy requirements under § 722.1, a variance from the off-street parking requirements under § 2101.1, and a variance from the requirements for an addition to a non-conforming structure under § 2001.3, to allow the conversion of an existing one-story commercial building (Laundromat) to a three-story apartment building in the C-2-A District at premises 732 15th Street, S.E. (Square 1077, Lot 808).

HEARING DATE (Orig. Application): March 1 and March 15, 2011
DECISION DATE (Orig. Application): March 15, 2011
FINAL ORDER ISSUANCE DATE (No. 18174): March 23, 2011
DECISION DATES ON MOTION TO EXTEND ORDER: March 26 and April 9, 2013
EXTENSION ORDER ISSUANCE DATE (No. 18174-A): April 19, 2013
MODIFICATION DECISION DATE: July 30, 2013

**SUMMARY ORDER ON REQUEST FOR MINOR MODIFICATION OF
APPROVED PLANS**

Background.

On March 23, 2011, the Board of Zoning Adjustment (the “Board” or “BZA”) approved EDCO LLC’s (the “Applicant”) request for a variance from the lot occupancy requirements under § 722.1, a variance from the off-street parking requirements under § 2101.1, and a variance from the requirements for an addition to a non-conforming structure under § 2001.3, to allow the conversion of an existing one-story commercial building (Laundromat) to a three-story apartment building in the C-2-A District. Thus, pursuant to 11 DCMR § 3103.2, the Board granted variances from the lot occupancy requirements under § 722.1, from the off-street parking requirements under § 2101.1, and from the requirements for an addition to a non-conforming structure under § 2001.3, to allow the conversion of an existing one-story commercial building (Laundromat) to a three-story apartment building in the C-2-A District at premises 732 15th Street, S.E. (Square 1077, Lots 808). Order No. 18174 (the “Order”) was issued March 23, 2011. (Exhibit 31.)

Request for Minor Modification of the Approved Plans

¹ The original application was captioned Gary Cohen, who is the authorized representative for the Applicant, EDCO LLC. The caption has been changed to reflect that.

BZA APPLICATION NO. 18174-B**PAGE NO. 2**

On May 28, 2013, the Applicant submitted a request for a minor modification to the plans approved in BZA Order No. 18174 that granted a variance from the lot occupancy requirements under § 722.1, a variance from the off-street parking requirements under § 2101.1, and a variance from the requirements for an addition to a non-conforming structure under § 2001.3, to allow the conversion of an existing one-story commercial building (Laundromat) to a three-story apartment building in the C-2-A District at premises 732 15th Street, S.E. In its motion the Applicant indicated that, pursuant to § 3129 of the Zoning Regulations, it was requesting modifications to the plans to make some minor modifications to the façade and building height from the plans that were previously approved by the Board. The Applicant stated that the modification was proposed in response to the development planned on the abutting site, would not change the zoning relief needed for the Applicant's project, and do not change the material facts upon which the Board relied in granting the original variance relief. (Exhibit 42.) The record indicates that the request for modification was served on all of the parties to the case: the Office of Planning ("OP") and Advisory Neighborhood Commission ("ANC") 6B, the affected ANC, and the Single District Member. (Exhibit 42.)

Section 3129, specifically § 3129.3, indicates that a request for minor modification "of plans shall be filed with the Board not later than two (2) years after the date of the final order approving the application." On April 9, 2013, the Board approved the Applicant's request to extend the validity of Order No. 18174 for another two years, i.e. until March 23, 2015. (Exhibit 40.) The current motion for a minor modification of approved plans was filed within the two-year period following the extension of the final order in the underlying case and thus is timely.

Pursuant to § 3129.4, all parties are allowed to file comments within 10 days of the filed request for modification. OP submitted a report, dated July 23, 2013, recommending approval of the Applicant's request to modify the approved plans by increasing the height of the building from 42 feet to 50 feet and to redesign the building's façade. (Exhibit 43.) The affected ANC, ANC 6B, did not submit a report or respond to the motion.

No objections to the request for minor modification were submitted by any parties to the case. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

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 for modifications of approved plans. Subsection 3129.6 of the Zoning Regulations authorizes the Board to grant, without a hearing, requests for minor modifications of approved plans that do not change the material facts upon which the Board based its original approval of the application. (11 DCMR § 3129.6.)

Based upon the record before the Board and having given great weight to the OP report filed in this case, the Board concludes that in seeking a modification to the approved plans, the Applicant has met its burden of proof under 11 DCMR § 3129, that the

BZA APPLICATION NO. 18174-B**PAGE NO. 3**

modification is minor and no material facts have changed upon which the Board based its decision on the underlying application that would undermine its approval.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application for modification of approved plans is hereby **GRANTED, PURSUANT TO THE MODIFIED PLANS DATED MAY 24, 2013 AT EXHIBIT 42, TAB A.** In all other respects Order No. 18174 and the conditions therein remain unchanged.

VOTE on Modification of Order No. 18174: 4-0-1

(Lloyd J. Jordan, Anthony J. Hood, S. Kathryn Allen, and Jeffrey L. Hinkle to APPROVE; the third Mayoral appointee vacant.)

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

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

FINAL DATE OF ORDER: August 8, 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. 18443-A of 3616 14th Street, LLC, pursuant to 11 DCMR § 3103.2, for a variance from the floor area ratio requirements under section 771, a variance from the lot occupancy requirements under section 772, a variance from the rear yard requirements under section 774, a variance from the nonconforming structure requirements under subsection 2001.3, and a variance from the off-street parking requirements under subsection 2101.1, to allow the conversion of a two-story retail/office building to a three-story structure with retail on the first story and multi-unit (eight units) apartments on the second and third story¹, in the C-2-A District at 3616 14th Street, N.W. (Square 2689, Lot 860).

HEARING DATE: November 13, 2012

DECISION DATE: November 13, 2012

CORRECTED SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board of Zoning Adjustment (the "Board") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 1A, and to owners of property within 200 feet of the site. The site is located within the jurisdiction of ANC 1A, which is automatically a party to this application. The Applicant submitted a letter of support from ANC 1A. The ANC report, which was dated September 12, 2012, indicated that at a regularly scheduled, duly noticed meeting on September 12, 2012, at which a quorum was present, ANC 1A voted unanimously (8:0:0) in support of the application. (Exhibit 29, Tab E.)

The Office of Planning ("OP") submitted a report recommending denial of four of the five requested variances. OP did not have an objection to the requested relief from the off-street parking requirements under § 2101.1. (Exhibit 28.) In addition, the District Department of Transportation ("DDOT") submitted a report of no objection to the application. (Exhibit 20.)

A letter of support with conditions was submitted for the record from Donna Person, who resides on the 1400 block of Perry Place, N.W. (Exhibit 32.) Letters of support for the application were also submitted from seven neighbors, including Bruce Tucker, 1442 Spring Road, N.W.; Lin Lawson, 1365 Parkwood Road, N.W.; Sam Huang, 3605 14th Street, N.W.;

¹ This order clarifies that the relief being granted is to allow the conversion of a two-story retail/office building to a three-story structure with retail on the first story and multi-unit apartments on the second and third story. The advertised notice for the hearing and original Order had typographical errors whereby it described the property as single family and the number of units being converted to as four. The caption has been corrected in Order No. 18443-A to reflect the correct relief and property description.

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Chadwick R. Cook, 1403 Perry Place, N.W.; Moses Robbins, 3616 14th Street, N.W.; Rose Schneider, 1414 Perry Place, N.W.; and Rosano Cajna, 3616 14th Street, N.W.

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance under § 3103.2 from the strict application of the floor area ratio requirements under § 771, the lot occupancy requirements under § 772, the rear yard requirements under § 774, the nonconforming structure requirements under § 2001.3, and the off-street parking requirements under § 2101.1. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that in seeking the variance relief that the Applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO the plans at Exhibit 30.**

VOTE: **4-0-1** (Lloyd L. Jordan, Nicole C. Sorg, Jeffrey L. Hinkle, and Anthony J. Hood to Approve; the third Mayoral appointee 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: November 19, 2012

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

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PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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

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

Application No. 18449 of Israel Baptist Church and Israel Manor, Inc. pursuant to 11 DCMR § 3103.2 for a variance from the on-site parking requirements under § 2101 and a special exception pursuant to 11 DCMR § 3104, from location of parking spaces requirements under § 2116.4¹, for a proposed community health clinic and ancillary social and recreational space for church use. The facility will be erected as an addition to the existing church building in the R-5-A District at premises 1251 Saratoga Avenue, N.E. and 2403, 2407, 2409 and 2411 12th Street, N.E. (Square 3939, Lots, 33, 34, 35 and 36) (“the Subject Property”).

HEARING DATE: December 4, 2012
DECISION DATE: February 12, 2013

DECISION AND ORDER

This self-certified application was submitted on July 26, 2012 by Israel Baptist Church and Israel Manor, Inc. (“IMI”) (collectively, the “Applicant”). The application, as amended, requested a variance to reduce the number of parking spaces required for the combined use of the existing church and the proposed new community health clinic located at 1251 Saratoga Avenue, N.E. (Square 3939, Lot 36). In addition, the Applicant requested a special exception from the location of parking spaces in order to locate 35 parking spaces between a building restriction line and a lot line abutting a street at premises 2407, 2409 and 2411 12th Street, N.E. (Square 3939, Lots 33, 34, and 35). Following the public hearing on December 4, 2012, the Board voted (4 to 0) on February 12, 2013, to approve the application subject to the conditions detailed below.

PRELIMINARY MATTERS

ANC Boundary Change

At the time of the hearing, the Subject Property was located within the boundary of Advisory Neighborhood Commission (“ANC”) 5B and Single Member District (“SMD”) 5B03. As of January 1, 2013, as a result of redistricting, the Subject Property fell within the jurisdiction of ANC 5C and SMD 5C03.

¹ Initially, the Applicant sought special exception relief under § 2116.3 which allows up to 50% of the church’s parking spaces to be located elsewhere than on the church’s lot . During the public hearing and following OP’s recommendation, the Applicant requested the Board to amend the special exception relief to allow parking between a building restriction line and a lot line abutting a street under § 2116.4.

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PAGE NO. 2Notice of the Application and the Hearing.

By memoranda dated August 1, 2012, the Office of Zoning provided notice of the application to the Office of Planning (“OP”); the District Department of Transportation (“DDOT”); the Councilmember for Ward 5; ANC 5B, the ANC in which the Subject Property was located at the time of the hearing; and the SMD Commissioner for 5B03. Pursuant to § 3112.14, on September 28, 2012, the Office of Zoning provided notice of the hearing to the Applicant, ANC 5B, and the owners of all property within 200 feet of the Subject Property. Notice was also published in the *D.C Register* on September 28, 2012.

Party Status

The Applicant and ANC 5B were automatically parties in this proceeding. No other persons or entities requested party status.

Government ReportsOffice of Planning.

In a report dated December 4, 2012, the OP recommended approval of the variance relief requested, subject to the following conditions: (1) that the Applicant manage the shared parking on the Subject Property to reduce spillover onto residential streets; (2) that the Public Space Committee (“PSC”) approve the access to the closed part of Bryant Street; and (3) that the Applicant ensure landscape screening of the parking area on the eastern part of the Subject Property. As will be explained, all three conditions were satisfied.

OP concluded that the application satisfied the three prong test for variance relief. As to the first two elements, the report found that the property’s varied topography and irregular shape was an exceptional condition that makes it practically difficult for the Applicant to comply with the required number of on-site parking spaces. OP concluded that the irregular shape and topography makes it difficult to accommodate an efficient parking layout. OP also found that there would be no detriment to the public good nor would there be any substantial impairment to the zone plan. The proposed use would be within close proximity of public transportation thereby reducing the demand for on-site parking. In addition, the church will manage any potential spillover into residential streets during those times when the church and the clinic are open at the same time. Finally, the church will institute a bike-sharing program for its employees and tenants.

OP also indicated that the Applicant met the criteria for a special exception from § 2116.4(a). OP concluded that the Applicant satisfied § 2116.6 (d) because “the location of required parking

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spaces elsewhere on the same lot ... would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties.” OP noted that the new matter-of-right construction would eliminate all but 10 spaces on the existing surface parking and as a result there was no place other than the proposed location to place the additional spaces. Underground parking would not be practical given the topography and the close proximity of adjacent residential dwellings.

District Department of Transportation (DDOT).

DDOT submitted a report dated November 27, 2012, indicating that the proposed project would not have an adverse impact on the surrounding transportation network provided that the Applicant (1) completes a pedestrian and bicycle analysis along with any needed mitigation measures; (2) installs bicycle racks at the main entrance of each building on the Subject Property, and (3) installs a pedestrian entrance on 12th street to reduce walking time from the Metro station. In a second report dated February 6, 2013, DDOT indicated that it had received a completed pedestrian and bicycle analysis.

ANC 5B.

No report was received from ANC 5B prior to December 31, 2012.

ANC 5C.

Through a letter dated January 31, 2013, the Chair of ANC 5C requested that the Board grant an extension until February 20, 2013 for the ANC to file a report (Exhibit 41). The letter noted the recent redistricting of the property into the ANC and the election of new officers who are familiarizing themselves with the application. The Applicant submitted an objection letter dated February 5, 2013. (Exhibit 43.)

The Board declined the request. On August 1, 2012, the Board fulfilled its requirement under District law to notify the affected ANC of this application and pursuant to law could act on the application 30 days after notice was given. (D.C. Official Code § 1-309.10 (d)(2).) ANC 5B therefore had from August to December to submit a report, but did not do so. There is no requirement for the Board to send a new notice that would restart the 30-day clock as a result of the redistricting that occurred here. While the Board appreciates the desire of ANC 5C to meet in order to take a position on this application, there was no guarantee that a quorum would be present or a decision reached. Meanwhile, the Applicant documented that it would be harmed by any delay. Under these circumstances, the Board determined that it could not grant the ANC's

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request and in fact received no report from ANC 5C.

Persons in Opposition.

James Haskins, who lives on 12th Street, N.E. directly opposite to the Subject Property, testified in opposition to the Applicant's proposal largely on the grounds that the pedestrian and vehicular traffic it would generate would adversely impact the quality of life of the block he lives on.

Raymond Chandler, a former ANC 5B commissioner, has opposed the proposal for 14 years being primarily concerned about the additional traffic and the impact on parking within the neighborhood.

Regina James, ANC 5B03 Commissioner, has opposed the proposal for 14 years being primarily concerned about the additional traffic and the impact on the availability of parking within the neighborhood.

Patricia Gray, a neighbor, expressed concerns about the construction impact on her property.

Kelly Mitchell-Baynes, a neighbor in the 1000 block of Bryant Street, N.E., expressed concern about the quality of life of the community and the impact of the proposal on parking.

Persons in Support.

Michelle Bundy, a longtime Brentwood resident, supported the Applicant's addition because it would bring health services and employment to Ward 5 and she foresaw no likelihood of traffic problems because of the proximity of the Metrorail Station.

FINDINGS OF FACT:

The Subject Property

1. The Subject Property is located in the R-5-A District and bounded by the following public streets: 12th Street, N.E., Saratoga Avenue, N.E., Brentwood Road, N.E., and the closed portion of Bryant Street, N.E. (Square 3939).
2. The Subject Property is located within the Brentwood neighborhood, which is a cluster of detached one-family dwellings, row dwellings, apartment houses and other multifamily development.
3. The subject lot, which is approximately 94,779 square feet, is comprised of an existing church building and surface parking lot with 51 parking spaces owned by the Church, and

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three lots owned by IMI.

4. There are two lots within the square that are not owned by the Applicant. Lot 32 is improved with a one-family dwelling and Lot 30 is vacant.

The Applicant's Project

5. The Applicant intends to construct, as matter of right, an approximately 36,000 square feet, three-story addition to the existing church building to accommodate a community health clinic and ancillary social and recreation space. The first two floors of the building will be leased to United Health Care which will use the space as a health clinic. The third floor will be used for church-related social and recreational activities. The proposed uses are an extension of the Church's outreach program and its overall social mission in the community.
6. The addition will be constructed on an area that currently includes the Church's existing parking facilities. As a result, the existing parking spaces will be reduced from 51 to 10 spaces.
7. The Applicant proposed to relocate 35 parking spaces to an area between the church building restriction line and a lot line abutting 12th Street, N.E.
8. The District Public Space Committee approved the Applicant's request to use the closed portion of Bryant Street, N.E. for access to as many as 37 additional parking spaces for use by the church and clinic on the Subject Property.
9. Therefore, there will be a total of 82 parking spaces serving the existing and proposed uses.

The Zoning Relief Required

10. Pursuant to § 2101, a total of 136 parking spaces are required for the existing church use and the proposed new addition. The Applicant requested to reduce the on-site parking requirements to 45 parking spaces. Thus, an area variance is needed from the on-site parking requirement under § 2101.
11. The Applicant also seeks a special exception under § 2116.4 (a) to allow the location of the 35 parking spaces between the Subject Property's building restriction line and its lot line. Subsection 2116.5 authorizes the Board to grant special exceptions to permit the location of parking spaces "anywhere on the lot."

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The Variance Relief

The Exceptional Condition

12. The lot of the Subject Property is irregular in shape, with extreme topography. There is a 33-foot elevation change across the site from Saratoga Avenue to the corner of 12th and Bryant Streets, N.E., and an abrupt 12-foot grade change in the middle of the site along the line separating the two lots.
13. In addition, the Church's need to expand its facilities and mission, including the location of a health clinic on its premises, represents an exceptional condition.

Practical Difficulty

14. The irregular shape and topography of the Subject Property create a practical difficulty to comply with the parking requirement of 145 spaces.
15. Requiring any additional parking spaces on the property would result in a smaller addition that would not meet the Church's institutional needs.

No Harm to the Public Good

16. The Subject Property is within 800 feet of the Rhode Island Avenue/Brentwood Metro Station and is served by multiple Metrobus routes. Thus, visitors and employees will be encouraged to use public transit proximal to the proposed use.
17. Osborne George, P.E. testified as to his analysis of the development proposal and its impact on local traffic, which he found to be negligible since the clinic use existed in the neighborhood and would relocate to the Subject Property. Thus, there was little or no new traffic being generated. Mr. George studied the existing pattern of clinic traffic at its current location and judged that the proposed parking would adequately serve both the church and the clinic uses, because the two uses were a classic case of shared parking with different days and times of day for high demand.
18. The revised plans propose to reduce the traffic impact and address the community concerns by eliminating vehicle entrance from 12th Street and providing pedestrian access through Saratoga Avenue and additional parking along Bryant Street.
19. The shared use of available parking spaces by the church use and the clinic use is an

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efficient way of maximizing the parking space potential of the Subject Property, since the two uses are complementary.

20. The peak demand for parking for the church will come on Sundays when the clinic will be closed. The most likely conflict arises when there is an extraordinary weekday use by the church, such as a funeral. Such conflicts can be managed through parking arrangements with Isle of Patmos Baptist Church, located across Saratoga Avenue, N.E.
21. Potential adverse traffic and parking impacts from the Applicant's use of the social and recreational space of the addition for large scale events can be mitigated through valet parking services and by arrangements with nearby owners with available parking.
22. The DDOT report concluded that the requested relief would not adversely affect the surrounding transportation network.

No substantial Impairment to the Integrity of the Zone Plan.

23. The proposed addition to the church building complies with the character and purpose of the R-5-A Zone, which permits churches and health clinics as a matter of right.

The Special Exception Relief

24. The R-5-A District is designed to "permit flexibility of design" and intends to support institutional and semi-public buildings (11 DCMR §350.1.)
25. The location of the parking spaces between the building restriction line and the Subject Property's lot line will not tend to adversely impact neighboring properties. The parking area will be screened from the one-family dwelling located on Lot 32 and from the houses across 12th Street, N.E.

CONCLUSIONS OF LAW AND OPINION**Variance Relief**

The Board is authorized to grant variances from the strict application of the Zoning Regulations where "by reason of exceptional narrowness, shallowness, or shape of a specific piece of property ... or by reason of exceptional topographical conditions or other extraordinary or

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exceptional situation or condition” of the property, the strict application of the Zoning Regulations would “result in particular and exceptional practical difficulties to or exceptional or undue hardship upon the owner of the property....” (D.C. Official Code § 6-641.07(g) (3) (2008 Supp.), 11 DCMR § 3103.2.) The “exceptional situation or condition” of a property need not arise from the land and/or structures thereon, but can also arise from “subsequent events extraneous to the land.” *De Azcarate v. Bd. of Zoning Adjustment*, 388 A.2d 1233, 1237 (D.C. 1978). Relief can be granted only “without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.” (D.C. Official Code § 6-641.07(g)(3) (2008 Repl.), 11 DCMR § 3103.2.)

A showing of “practical difficulties” must be made for an area variance, while the more difficult showing of “undue hardship,” must be made for a use variance. *Palmer v. D.C. Board of Zoning Adjustment*, 287 A.2d 535, 541 (D.C. 1972). Since area variances are sought by the Applicant, the Applicant must comply with the three prong test: (1) that an exceptional situation results in a “practical difficulty” in complying with the Zoning Regulations; (2) the granting of the relief will not be substantial detriment to the public good; and (3) the granting of the variances will not substantially impair the intent and integrity of the Zone Plan.

Exceptional situation resulting in a practical difficulty

Based upon the record before it, the Board concludes the property's varied topography and irregular shape result in an exceptional situation that makes it difficult for the Applicant to provide the required number of on-site parking spaces. As noted, there is a 33-foot elevation change across the site from Saratoga Avenue to the corner of 12th and Bryant Streets, N.E., and an abrupt 12-foot grade change in the middle of the site along the line separating the two lots. As noted by OP, these circumstances render it difficult to provide for an efficient parking layout on the property.

In addition, the increase in parking required by § 2101 results from the Church’s need to expand its mission and its desire to include a medical clinic on its property to serve the community as a whole. The D.C. Court of Appeals has held that “the Board of Zoning Adjustment does not err in considering the needs of a public service “as possible other extraordinary and exceptional situation or condition of a particular piece of property”, *Monaco v. District of Columbia Board of Zoning Adjustment*, 407 A.2d 1091, 1099 (D.C. 1979), and the Board finds such an extraordinary and exceptional situation on the facts presented here.

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However, the Court of Appeals has also held that:

Where a public service organization applies for an area variance in accordance with *Monaco*, it must show (1) that the specific design it wants to build constitutes an institutional necessity, not merely the most desired of various options, and (2) precisely how the needed design features require the specific variance sought.

Draude v. District of Columbia Bd. of Zoning Adjustment, 527 A.2d 1242, 1256 (D.C. 1987).

Both of these factors have been met by the Applicant. The Board finds that the design of the addition specifically addresses the needs of the Church and the clinic. In order to accommodate these institutional needs, the addition reduces the existing parking spaces from 51 to 10, thus resulting in the need for an area variance. Nevertheless, the Applicant mitigated these circumstances by proposing to relocate 35 spaces within the building restriction area and obtaining the use of 37 additional spaces within the public space.

The Court of Appeals has interpreted the *Monaco* doctrine for public services as also applying to the second prong of the variance analysis. In *National Black Child Development Institute, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 483 A.2d 687 (D.C. 1984), the Court of Appeals indicated that “in *Monaco*, we permitted the BZA to apply a more flexible *standard for determining hardship* when a ‘public service,’ or nonprofit entity, is the Applicant.” 483 A. 2d at 690 (emphasis added). Although the court was applying this flexible standard to the “undue hardship” prong applicable to use variances, there is no reason why a similar approach should not be used for the more lenient “practical difficulty” standard applied to the area variance sought here. As just noted, the institutional needs of the Church resulted in the design of a building that eliminated existing parking. Strict compliance with the Zoning Regulations would have resulted in a smaller building or no building at all.

No substantial detriment to the public good

The Board credits the views of OP and DDOT that granting the variance relief will not result in substantial detriment to the public good. Although only the 45 on-site parking spaces may count towards zoning compliance, there will be a total of 82 spaces that will serve the parking needs of both uses. This should be more than sufficient, since the Subject Property is located in a neighborhood where mass transit is easily accessible. The proximity of both Metrorail and Metrobus stops would reduce the demand for parking that might otherwise result from the proposed clinic. Moreover, during the week, there will be no overlap in hours of operation between the two uses. In cases where there could be simultaneous demand for parking from users of the Church, the Church will pursue arrangements with Isle of Patmos Baptist Church, located

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across Saratoga Avenue, N.E.

The Board agrees with the Applicant's parking expert that no additional traffic should result from the clinic use, because that use already exists in the neighborhood and is only being relocated. Finally, any potential adverse traffic and parking impacts from the Applicant's use of the social and recreational space of the addition for large scale events will be mitigated through valet parking services and by arrangements with nearby owners with available parking

No substantial Impairment to the Integrity of the Zone Plan

The Board concluded that granting the variance will not result in substantial impairment to the integrity of the zone plan. The Applicant provided supplementary information regarding the programming and space plan of the addition to the church building which is in compliance with the character and purpose of the R-5-A zoning district permitting churches and clinics as matter of right. Further, the parking schedule of § 2101 assumes that multiple uses will be operating concurrently and therefore requires a cumulative amount of parking. Here, each use will operate at different times. Therefore providing a total of 45 parking spaces is substantially consistent with what would be required for each use. And, as noted, these spaces will be augmented by an additional 37 spaces pursuant to the Applicant's lease with the District.

Special Exception Relief

The Applicant seeks a special exception to locate accessory parking spaces in an area between a building restriction line and a lot line, which is ordinarily prohibited by § 2116.4 (a). The Board is authorized to grant a special exception where, in its judgment, the special exception will "be in harmony with the general purpose and intent of the Zoning Regulation and the Zoning Map and will not tend to affect adversely, the use of neighboring property." (11 DCMR § 3104.1.) The specific authority to grant this special exception is set forth in § 2116.5.

The Board concludes that the Applicant demonstrated that the location of the proposed parking spaces is in harmony with the general purpose and intent of the Zoning Regulations. The parking spaces will still be located on the same lot as the use being served as required by § 2116.1. The fact that they are located within an area where a building may not be constructed could potentially pose adverse impacts, but these have been mitigated by the Applicant. The Applicant amended its plans so as to eliminate vehicle entrance through 12th Street, add additional landscaping along 12th Street and adjoining properties, and eliminate the wall at the 12th Street side of the project.

In order to grant a special exception pursuant to § 2116.5, the Board must find that it is not

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practical to locate the spaces in a non-restricted area of a lot for one the following reasons:

- (a) Unusual topography, grades, shape, size, or dimensions of the lot;
- (b) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets;
- (c) Traffic hazards caused by unusual street grades; or
- (d) The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties.

The Board agrees with the Office of Planning that the Application meets the criteria stated in (d) because given the unusual topography of the Subject Property, the construction of the matter of right addition allows for no other location on the property for additional parking spaces other than this area.

The Board is required under § 13 of the Advisory Neighborhood Commission Act of 1975, effective October 10, 1975 (D.C. Law 1-21), as amended, now codified at D.C. Code § 1-309.10(d)(3)(A)) to give “great weight” to the issues and concerns raised in the affected ANC’s written recommendations. To give “great weight” the Board must articulate with particularity and precision the reasons why the ANC does or does not offer persuasive advice under the circumstances and make specific findings and conclusions with respect to each of the ANC’s issues and concerns.

In this instance, neither ANC 5B nor ANC 5C submitted any written recommendations to the Board regarding this application.

The Board is also required under D.C. Official Code § 6-623.04 (2001) to give “great weight” to OP recommendations. For the reasons stated in this Decision and Order, the Board agrees with OP’s advice that the application be approved with conditions.

For the reasons stated above, the Board concludes: (i) that the Applicant has satisfied the burden of proof with respect to the application for a variance relief under 11 DCMR § 3103.2 to reduce the required number of on-site parking spaces to 45 and (ii) that the Applicant satisfied the burden of proof for special exception relief under 11 DCMR § 2116.4(a) to locate 35 parking spaces between the building restriction line and the lot line abutting a street for an addition to the

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existing church building.

Accordingly, it is hereby **ORDERED** that the application is **GRANTED** to allow zoning relief for a variance from the on-site parking requirement under § 2101, and a special exception to allow relocation of parking spaces under § 2116.4, **SUBJECT** to Exhibit 11 – Plans, as revised by Exhibit 27 – Revised Site Plan, and **SUBJECT** to the **CONDITIONS** below. The term "Applicant" means the person or entity then holding title to the Subject Property. If there is more than one owner, the obligations under the order shall be joint and several. If a person or entity no longer holds title to the Subject Property, that party shall have no further obligations under the order; however, that party remains liable for any violation of any condition that occurred while an Owner. The **CONDITIONS** are as follows:

1. This approval shall be for a period of **TEN (10) YEARS** beginning on the date upon which the order became final.
2. The Applicant is required to provide valet parking during special events or other activities which increase traffic volume.
3. The Applicant and its tenants will take multiple measures to reduce the parking load and discourage the use of private vehicles. These will include: (a) cooperating with DDOT in encouraging the use of public transportation by educating employees and tenants about public transportation, publicizing bus and metro routes, and instituting a bike sharing program; and (b) providing incentives to employees and tenants to utilize alternative modes of transportation, including Ride Share opportunities and flex transportation benefits.
4. The Applicant will designate a transportation coordinator to receive community comment and resolve issues that arise.
5. The Applicant will attend Advisory Neighborhood Commission 5C meetings at least twice a year to remain aware of any perceived community problems associated with the use of the property.

VOTE: **4-0-1** (Lloyd J. Jordan, Nicole C. Sorg, Jeffrey L. Hinkle, and Robert E. Miller to Approve; one Board seat vacant.)

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

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

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FINAL DATE OF ORDER: August 12, 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.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL

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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. 18579 of the Roman Catholic Archbishop of Washington, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a variance from the lot occupancy requirements under § 403 and a variance from the non-conforming structure requirements under § 2001.3¹, and for special exceptions from § 411 from the roof structure requirements, to allow an addition to a private school, and from §§ 205 and 206 to establish private school and child development center uses in the R-3 Zone District at premises 3514 O Street, N.W. (Square 1227, Lot 95)

HEARING DATE: July 9, 2013

DECISION DATE: July 9, 2013

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board of Zoning Adjustment ("Board" or "BZA") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 2E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2E, which is automatically a party to this application. ANC 2E did not attend the public hearing nor did it file a report. The Applicant testified that the ANC had voted to approve the application.²

The Office of Planning ("OP") submitted a timely report dated July 2, 2013, recommending approval of the application, subject to four conditions. (Exhibit 28.) By its letter dated July 2, 2013, the District Department of Transportation ("DDOT") submitted a recommendation of no objection subject to implementation of the proposed Transportation Demand Management measures. (Exhibit 29.)

Variance Relief

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2 for variances from the strict application of the lot occupancy requirements under § 403.2 and from the non-conforming structure requirements under § 2001.3, to allow an

¹ The Applicant amended the application to include a request for variance relief from the non-conforming structure requirements under § 2001.3. The caption has been amended accordingly.

² The Board accepted the Applicant's testimony of the ANC's support of the application, but as there was no ANC report submitted to the record, there was nothing to which great weight could be given.

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addition to a private school. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board closed the record at the conclusion of the hearing. Based upon the record before the Board, and having given great weight to the OP report filed in this case, the Board concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 3103.2 for area variances from §§ 403.2 and 2001.3, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

As directed by 11 DCMR § 3119.2, the Board 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 exceptions under §§ 205, 206, and 411. 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, 205, 206, and 411 that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application be **GRANTED WITH THE FOLLOWING CONDITIONS**:

1. The additions to the Upper School and the Lower School shall be constructed in accordance with the **revised plans** submitted in the record as **Exhibit 26A**.
2. The pre-kindergarten program may only:
 - a. Operate Monday through Friday from 7:30 a.m. to 6:00 p.m.;
 - b. Have a maximum enrollment of 16 children;
 - c. Employ a maximum of two full-time teachers; and

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- d. Schedule and coordinate staff-monitored drop-off and pick-up activities between 7:45 a.m. and 8:15 a.m. and 3:00 p.m. and 3:15 p.m., respectively.
3. The School may only:
 - a. Operate from Monday through Friday from 7:30 a.m. to 6:00 p.m.;
 - b. Have a maximum enrollment of 334 students in kindergarten through eighth grade;
 - c. Employ a maximum of 68 faculty and staff members; and
 - d. Schedule and coordinate staff-monitored drop-off and pick-up activity between 7:30 a.m. and 8:00 a.m. and 3:00 p.m. and 3:15 p.m., respectively.
4. The School shall designate a community liaison to serve as a point of contact for the community.
5. After-school athletic activities in the multi-purpose room shall be limited to those activities supervised and run by the School and/or the Church.
6. The School shall implement a transportation demand management (“TDM”) program that shall:
 - a. Designate a TDM coordinator to oversee and implement TDM measures;
 - b. Encourage student ride-matching by reaching out to the Metropolitan Washington Council of Governments’ SchoolPool program;
 - c. Improve Upper School afternoon pick-up procedures by either stationing a staff member on the 1400 block of 36th Street to assist residents parking on the street or allowing only carpools to use the 36th Street block between P and O Streets, and directing all other vehicles down either O Street or N Street;
 - d. Instruct all employees to comply with the residential parking permit zoned areas;
 - e. Reduce its total traffic footprint and reducing the number of single-occupancy vehicle trips by encouraging carpooling and public transportation;
 - f. Participate in the District’s Safe Routes to School programs and coordinating with the DDOT SRTS liaison to improve access for non-auto modes;
 - g. Provide preferential consideration to carpools when providing access to reserved off-street parking spaces;
 - h. Offer one-year Capital Bikeshare memberships to employees who bike to work;
 - i. Provide adequate on-site bicycle parking spaces;

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- j. Provide a public transportation subsidy of at least \$15.00 per day; and
- Complete an additional traffic and parking data analysis within one year after the issuance of a certificate of occupancy for the proposed additions. The traffic and parking data analysis shall consist of information gathered from surveys sent to all faculty, staff, and students and the results shall be provided to the ANC.

VOTE: 4-0-1 (Lloyd J. Jordan, Marcie I. Cohen, S. Kathryn Allen, and Jeffrey L. Hinkle to Approve; one Board seat vacant.)

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

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

FINAL DATE OF ORDER: August 13, 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 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS

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IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 07-18D
Z.C. Case No. 07-18D
Jemal's Up Against the Wall, LLC
(Modification to Approved Planned Unit Development)
July 25, 2013

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held a public hearing on May 2, 2013, to consider an application from Jemal's Up Against the Wall, LLC (the "Applicant"), the owner of Lots 18, 19, and 818-821 in Square 347, for the approval of a modification to the planned unit development ("PUD") approved pursuant to Z.C. Order No. 07-18, as amended under Z.C. Order Nos. 07-18A, 07-18B, and 07-18C. 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

The Application, Parties, and Hearing

1. Pursuant to Z.C. Order No. 07-18, dated April 14, 2008, effective May 16, 2008, the Commission granted consolidated approval of a PUD for the property located at 1000 F Street, N.W., more particularly described as Lots 18, 19, 818-821 in Square 347 (the "Property").
2. The Property has a land area of approximately 11,790 square feet and is located at the southwest corner of 10th and F Streets. The site is currently improved with one- and two-story commercial buildings. It is zoned DD/C-4 and is located within the Pennsylvania Avenue National Historic District.
3. Pursuant to Z.C. Order No. 07-18, the Commission approved a PUD on the Property that consists of a new 11-story office building with approximately 97,872 square feet of gross floor area, including 7,813 square feet devoted to retail uses. The approved project has a density of 8.3 floor area ratio ("FAR") and will rise to a maximum height of 120 feet, as measured from F Street. The approved project also includes four levels of below-grade parking with approximately 19 zoning-compliant parking spaces, four compact spaces, and 38 vault spaces.
4. Pursuant to Z.C. Order No. 07-18A, the Commission granted a two-year extension of time for the PUD, extending the approval until May 16, 2012. Within said time an application was to be filed for a building permit, as specified in § 2409.1 of the Zoning Regulations, and construction of the project was to commence no later than May 16, 2013.
5. Pursuant to Z.C. Order No. 07-18B, the Commission extended the validity of the PUD for an additional two years such that an application for a building permit would need to be

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filed no later than May 16, 2014, and construction of the project is to commence no later than May 16, 2015.

6. Pursuant to Z.C. Order No. 07-18C, the Commission granted an extension of the deadline to complete Condition No. 4 of the Z.C. Order No. 07-18¹ to May 16, 2014.
7. On October 15, 2012, the Applicant filed an application with the Commission for a modification of the PUD. (Exhibit ["Ex."] 1.) The application included plans that depicted a modification to the parking for the PUD, from a four-level underground parking garage to one level of underground parking, as well as modifications to the ground floor of the building.
8. On November 29, 2012, the Applicant submitted a revised set of architectural plans depicting two levels of below-grade parking instead of one. The Applicant also amended its application to include a request for flexibility to permit either office or retail use in the historic building at the corner of 10th and F Streets. (Ex. 9, 10.)
9. Under the proposed PUD modification, the Applicant would reduce the number of parking spaces for the project from four levels with 61 parking spaces to two levels with a total of 34 spaces. Of the 34 parking spaces proposed, only five would be zoning compliant.
10. At its public meeting held on December 10, 2012, the Commission voted to set down the application for public hearing.
11. On February 12, 2013, the Applicant submitted a Prehearing Statement. (Ex. 17.) The Prehearing Statement included elevations and renderings of the project as requested by the Commission at setdown.
12. On April 12, 2013, the Applicant submitted a Supplemental Filing. (Ex. 19.) The supplemental filing included a request for flexibility to provide either a LEV/Hybrid vehicle parking space or eight bicycle parking spaces based on subsequent discussions with the District Department of Transportation ("DDOT").² The filing also included a revised set of architectural plans, a letter of support from Advisory Neighborhood Commission ("ANC") 2C dated December 12, 2012, and a report by the Traffic Consultant for the project.

¹ Condition No. 4 of Z.C. Order No. 07-18 reads: "Within five years after the effective date of this Order, the Applicant shall relocate and reassemble the Waffle Shop on a new site, consistent with the Preservation Agreement submitted as part of Exhibit 21 to the record."

² The architectural plans submitted to the Commission at the public hearing depicted the LEV/Hybrid parking space and additional bicycle parking. Therefore, the request for this flexibility was withdrawn by the Applicant at the public hearing.

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13. After proper notice, the Commission held a public hearing on the application on May 2, 2013. The parties to the case were the Applicant and ANC 2C, the ANC within which the Property is located.
14. At the public hearing, the Applicant submitted Sheets A3a and A3b, which are revisions to the "Modified Parking Layout for Parking Level P01". (Ex. 25.) According to the cover letter accompanying the plans (Ex. 24), these sheets supersede Sheet A3 of the plans submitted as part of the Applicant's Prehearing Statement.
15. Patrick Burkhart from Shalom Baranes & Associates testified at the public hearing as the principal witness on behalf of the Applicant.
16. At the public hearing, the Applicant testified that the PUD modification was scheduled to be considered by ANC 2C on May 13, 2013, and that the Applicant was seeking a letter in support of the proposed PUD modification that supersedes the letter from ANC 2C dated December 12, 2012.
17. The Office of Planning ("OP") testified in support of the PUD Modification at the public hearing.
18. DDOT testified in support of the PUD Modification at the public hearing.
19. At the conclusion of the public hearing held on May 2, 2013, the Commission agreed to leave the record open for a letter from ANC 2C and a final consolidated set of architectural plans from the Applicant.
20. The Commission took proposed action to approve the PUD Modification on June 10, 2013.
21. The proposed action of the Commission was referred to the National Capital Planning Commission ("NCPC") on June 11, 2013 under the terms of the District of Columbia Home Rule Act. NCPC, by report dated July 16, 2013 found that the proposed modifications to the project will not affect the federal interests. (Ex. 33.)
22. The Commission took final action to approve the modification application on July 25, 2013.

Modified PUD Project

23. The approved PUD provides four levels of underground parking with approximately 19 zoning-compliant parking spaces, four compact spaces, and 38 vault spaces. The compact spaces and vault spaces do not count toward the Applicant's required provision

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of off-street parking. Under § 2101.1 of the Zoning Regulations, 45 parking spaces are required for the approved PUD.

24. Under the proposed modification, the PUD would have two levels of underground parking, with a total of 34 spaces. Of the 34 spaces, 14 would be achieved through mechanical lifts stacking the vehicles; only five of the 34 spaces would be zoning compliant. In addition, in lieu of providing the car-sharing space proffered through the approved PUD, the project will have a space reserved for an LEV/Hybrid vehicle. Finally, there will be parking for 32 bicycles at Parking Level P1.
25. The PUD Modification provides for other minor changes to the project design: (a) the loading entrance to the building from the alley has been revised; (b) there was a shift in the location of core service areas within the building (elevator shafts and stairwells, secondary lobby entrance of the F Street side of the building, and interior walls to provide approximately 13 more linear feet of retail frontage along F Street); and (c) the terra cotta façade on the south side of the building was replaced with brick.

Development Flexibility

26. The proposed PUD modifications require flexibility in the following areas:
 - a. *Parking.* Flexibility to permit five zoning-compliant spaces where 45 parking spaces are required under the Zoning Regulations; and
 - b. *Use of Historic Building.* Flexibility to have either retail or office use in the historic building at the corner of 10th and F Streets, N.W.

Conditions to PUD Approval

27. The PUD Modification affects the following two conditions of the approved PUD:
 - a. Condition No. 5 of Z.C. Order No. 07-18 provides for refinements to the garage configuration, including layout, number of spaces, and/or elements, as long as the number of parking spaces does not decrease below the 19 zoning-compliant spaces specified. In this case, as a result of the use of vault space, stacking of spaces and groups of compact spaces of less than five, only five parking spaces would be zoning compliant; and
 - b. Condition No. 2 of Z.C. Order No. 07-18 requires that one space on the first level of the garage be reserved for a car-sharing space. However, the parking garage will no longer be open 24 hours day; therefore, access to the car-sharing space would be limited. In lieu of a car-sharing space, the Applicant will provide one space for an LEV/Hybrid vehicle.

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28. With the exception of the two conditions above, the PUD as modified under this application, would be subject to the conditions originally set forth in Z.C. Order No. 07-18D, except as amended by Z.C. Order Nos. 07-18A, 07-18B, and 07-18C.

Office of Planning Report

29. By report dated December 10, 2012, OP recommended that the application be set down for public hearing, and opined that the proposed alternative plans respect the general intent of the previously approved PUD. The report recommended that the Commission schedule a public hearing on the modification application. (Ex. 11.)
30. By report dated April 22, 2013, OP stated that the requested modifications to the PUD are not inconsistent with the elements of the Comprehensive Plan. OP recommended the Commission approve the PUD Modification subject to certain changes that were reflected in the architectural plans submitted by the Applicant at the public hearing. (Ex. 20.)

DDOT Report

31. By report dated April 22, 2013, DDOT supported the Applicant's request to reduce the vehicle parking for the project as long as the Applicant provides 32 code-compliant bicycle parking spaces. DDOT's report also states that the Applicant should monitor the valet operations of the parking garage during peak periods to ensure that no disruption or queuing in the public alley occurs. (Ex. 21.)

Post-Hearing Submissions

32. An electronic copy of a letter in support of Z.C. Case No. 07-18D from ANC 2C was posted on May 20, 2013. (Ex. 28.)
33. On May 20, 2013, the Applicant submitted a final consolidated set of the architectural plans and drawings that were previously submitted to the Commission for consideration. (Ex. 30.)

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high quality development that provides public benefits. (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.)

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2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider this application as a modification to a previously approved consolidated PUD. Any modifications proposed to an approved PUD that cannot be approved by the Zoning Administrator shall be submitted to and approved by the Commission. The proposed modification shall meet the requirements for and be processed as a second-stage application, except for minor modifications and technical corrections as provided for in § 3030. (11 DCMR §2409.9.) The Commission treated this modification request as a second-stage PUD application.
3. 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, or for 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.
4. 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 that will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
5. 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 Property. The impact of the project on the surrounding area and the operation of city services is acceptable given the quality of the public benefits in the project.
6. The Applicant's request for flexibility from the Zoning Regulations is consistent with the Comprehensive Plan. Moreover, the project benefits and amenities are reasonable tradeoffs for the requested development flexibility.
7. Approval of this modified 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 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.
8. The Commission is required under § 3 of the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000, effective June 27, 2000 (D.C. Law 13-135; D.C. Official Code § 1-309.10(d)) to give great weight to the issues and conditions expressed in the written report of an affected ANC. In this case, ANC 2C voted unanimously to support the modification application and recommended that the

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Commission approve the application (Ex. 28.) The Commission has given ANC 2C's recommendation great weight in approving the modification application.

9. The Commission is required under § 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. For the reasons stated above, the Commission concurs with OP's recommendation for approval and has given the OP recommendation the great weight it is entitled.
10. The PUD Modification is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

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 a modification of the PUD approved at 1000 F Street, N.W. (Lots 18, 19, and 818-821 in Square 347) originally approved in Z.C. Order No. 07-18, subject to the following conditions:

1. The PUD, as modified, shall be developed in accordance with the plans prepared by Shalom Baranes Associates, dated May 22, 2013, and titled "1000 F Street, NW Washington DC | Modification to a Planned Unit Development Approved Pursuant to Zoning Commission Case No. ZC 07-18", marked as Exhibit 30 of the record (the "Plans").
2. The Applicant shall have flexibility with the design of the PUD in the following areas:
 - a. To make refinements to the garage configuration, including layout, number of parking spaces, and/or other elements. With this modification, the PUD would require additional flexibility to permit five zoning-compliant spaces where 45 parking spaces are required under the Zoning Regulations; and
 - b. The historic building at the corner of 10th and F Streets, may be used for either office or retail.
3. With the exception of the flexibility granted in Paragraph 2 above, the PUD shall be subject to the conditions previously set forth in Z.C. Order No. 07-18, except as amended by Z.C. Order Nos. 07-18A, 07-18B, and 07-18C.
4. No building permit shall be issued for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the owners and the District of Columbia that is satisfactory to the Office of the Attorney General. Such

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covenant shall bind the Applicant and all successors in title to construct on and use this property in accordance with this Order or amendment thereof by the Commission.

5. As previously approved in Z.C. Order No. 07-18B, the PUD shall be valid until May 16, 2014. Within such time, an application must be filed for a building permit as specified in 11 DCMR § 2409.1 and construction must commence no later than May 16, 2015. Failure to take these actions will result in the expiration of the PUD approval as of the applicable date.
6. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §§ 2-1401.01 et seq. (Act), the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On June 10, 2013, upon the motion of Vice Chairman Cohen, as seconded by Commissioner Miller, the Zoning Commission **APPROVED** the application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Peter G. May, Michael G. Turnbull, and Robert E. Miller to approve).

On July 25, 2013, upon the motion of Chairman Hood, as seconded by Commissioner May, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Peter G. May, Michael G. Turnbull, and Robert E. Miller to adopt).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on August 23, 2013.

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