



District of Columbia

REGISTER

HIGHLIGHTS

- DC Council passes Act 19-632, Local Budget Autonomy Amendment Act of 2012
- DC Council passes Resolution 20-28, Sense of the Council Regarding Citizens United and Fair Elections Resolution of 2013
- Department of Housing and Community Development schedules FY14 Consolidated Annual Action Plan Community Needs Assessment Hearings
- DC Taxicab Commission implements emergency rules to allow the Commission to collect a passenger surcharge for each taxicab ride
- District Department of the Environment announces funding availability for the District of Columbia Renewable Energy Incentive Program
- Department of Mental Health announces funding availability for an entity to oversee a pilot project to install emergency generators at mental health community residence facilities
- District Department of Transportation, Urban Forestry Administration announces funding availability for the Fiscal Year 2013 Trail Ranger Program

DISTRICT OF COLUMBIA REGISTER

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-627

Codification
District of Columb
Official Code
2001 Edition

Winter 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 22, 2013

To amend An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children to provide that persons who violate the reporting requirements of the act shall not be prosecuted under Title II-A of the Anti-Sexual Abuse Act of 1994 and to increase the penalty for those who are required to report but fail to do so; to amend the Office of Administrative Hearings Establishment Act of 2001 to provide the office with jurisdiction over adjudicated cases involving the failure to report known or reasonably believed child sexual abuse pursuant to Title II-A of the Anti-Sexual Abuse Act of 1994; and to amend the Anti-Sexual Abuse Act of 1994 to require the reporting of child sexual abuse to the Metropolitan Police Department, the 911 Emergency Call Center, or the Child and Family Services Agency, to require any adult, except for those covered by the attorney-client or the clergy-penitent privilege, with knowledge or reasonable cause to believe that a child is a victim of sexual abuse to make a report, to exempt adult survivors of child sexual abuse from having to report their abuser, to create a defense to non-reporting for victims of domestic violence, and to establish penalties for the failure to report.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child Sexual Abuse Reporting Amendment Act of 2012".

Sec. 2. An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 4-1321.02) is amended by adding a new subsection (g) to read as follows:

Amend
§ 4-1321.02

"(g) A person who violates this section shall not be prosecuted under Title II-A of the Anti-Sexual Abuse Act of 1994, passed on 2nd reading on December 4, 2012 (Enrolled version of Bill 19-647)."

(b) Section 7 (D.C. Official Code § 4-1321.07) is amended to read as follows:

Amend
§ 4-1321.07

"Sec. 7. Failure to make report.

ENROLLED ORIGINAL

“Any person required to make a report under this act who willfully fails to make such a report shall be fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214), imprisoned not more than 180 days, or both. Violations of this act shall be prosecuted by the Attorney General of the District of Columbia or his or her agent in the name of the District of Columbia.”

Sec. 3. Section 6 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03,) is amended by adding a new subsection (b-6) to read as follows:

Amend
§ 2-1831.03

“(b-6) In addition to those adjudicated cases listed in subsections (a), (b), (b-1), (b-2), (b-3), (b-4), and (b-5) of this section, this act shall apply to all adjudicated cases involving the failure to report known or reasonably believed child sexual abuse pursuant to Title II-A of the Anti-Sexual Abuse Act of 1994, passed on 2nd reading on December 4, 2012 (Enrolled version of Bill 19-647).”

Sec. 4. The Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257;

D.C. Official Code § 22-3001 *et seq.*), is amended as follows:

(a) A new Title II-A is added to read as follows:

“TITLE II-A. REPORTING REQUIREMENTS IN CHILD SEXUAL ABUSE OFFENSE CASES.

“Sec. 251. Definitions.

“For the purposes of this title, the term:

“(1) “Child” means an individual who has not yet attained the age of 16 years.

“(2) “Person” means an individual 18 years of age or older.

“(3) “Police” means the Metropolitan Police Department.

“(4) “Sexual abuse” means any act that is a violation of:

“(A) Section 104 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1834);

“(B) Section 813 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2704);

“(C) This act (D.C. Official Code § 22-3001 *et seq.*); or

“(D) Section 3 of the District of Columbia Protection of Minors Act of 1982, effective March 9, 1983 (D.C. Law 4-173; D.C. Official Code § 22-3102).

“Sec. 252. Reporting requirements and privileges.

“(a) Any person who knows, or has reasonable cause to believe, that a child is a victim of sexual abuse shall immediately report such knowledge or belief to the police. For the purposes of this title, a call to 911, or a report to the Child and Family Services Agency, shall be deemed a report to the police.

New
§§ 22-3020.11 –
22-3020.15

ENROLLED ORIGINAL

“(b) Any person who is or has been a victim of sexual abuse is not required to report pursuant to subsection (a) of this section if the identity of the alleged perpetrator matches the identity of the victim’s abuser.

“(c) No legally recognized privilege, except for the following, shall apply to this title:

“(1) A lawyer or a person employed by a lawyer is not required to report pursuant to subsection (a) of this section if the lawyer or employee is providing representation in a criminal, civil, or delinquency matter, and the basis for the knowledge or belief arises solely in the course of that representation.

“(2)(A) The notification requirements of subsection (a) of this subsection do not apply to a priest, clergyman, rabbi, or other duly appointed, licensed, ordained, or consecrated minister of a given religion in the District of Columbia, or a duly accredited practitioner of Christian Science in the District of Columbia, if the basis for the knowledge or belief is the result of a confession or penitential communication made by a penitent directly to the minister if:

“(i) The penitent made the confession or penitential communication in confidence;

“(ii) The confession or penitential communication was made expressly for a spiritual or religious purpose;

“(iii) The penitent made the confession or penitential communication to the minister in the minister’s professional capacity; and

“(iv) The confession or penitential communication was made in the course of discipline enjoined by the church or other religious body to which the minister belongs.

“(B) A confession or communication made under any other circumstances does not fall under this exemption.

“(d) This section should not be construed as altering the special duty to report by persons specified in section 2(b) of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02(b)).

“Sec. 253. Defense to non-reporting.

“(a) Any survivor of domestic violence may use such domestic violence as a defense to his or her failure to report under this title.

“(b) For the purposes of this section, the term “domestic violence” means intimate partner violence, as defined in D.C. Official Code § 16-1001(7), and intrafamily violence, as defined in D.C. Official Code § 16-1001(9).

“Sec. 254. Penalties.

“(a) Any person required to make a report under this title who willfully fails to make such a report shall be subject to a civil fine of \$300.

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“(b) Adjudication of any infraction of this title shall be handled by the Office of Administrative Hearings pursuant to section 6(b-6) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b-6)).

“Sec. 255. Immunity from liability.

“(a) Any person who in good faith makes a report pursuant to this title shall have immunity from liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making of the report or any participation in any judicial proceeding involving the report. In all civil or criminal proceedings concerning the child or resulting from the report, good faith shall be presumed unless rebutted.

“(b) Any person who makes a good-faith report pursuant to this title and, as a result thereof, is discharged from his or her employment or in any other manner discriminated against with respect to compensation, hire, tenure, or terms, conditions, or privileges of employment, may commence a civil action for appropriate relief. If the court finds that the person is an individual who was required to report, who in good faith made a report, and who was discharged or discriminated against as a result, the court may issue an order granting appropriate relief, including reinstatement with back pay. The District may intervene in any action commenced under this subsection.”.

Sec. 5. Fiscal impact statement.

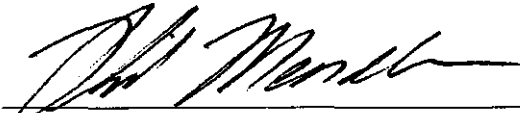
The Council adopts the November 15, 2012, fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 6. Effective date.

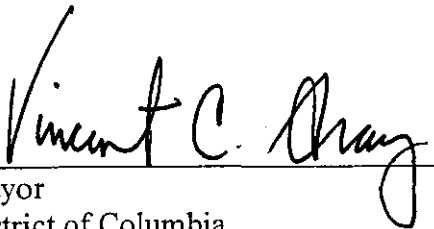
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act,

ENROLLED ORIGINAL

approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 22, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-628

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

To order the closing of a public alley in Square 393, bounded by Florida Avenue, N.W., 8th Street, N.W., and 9th Street, N. W., in Ward 1.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Public Alley in Square 393, S.O. 11-08780, Act of 2012".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §9-202.01), the Council finds that the portion of the public alley in Square 393, as shown on the Surveyor's plat in S.O. 11-08780, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the recordation of a covenant establishing new portions of the alley system by easement as shown on the Surveyor's plat in S.O. 11-08780 that includes an agreement by the owner of the property encumbered by the easement to maintain the new portions of the alley system.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor.

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.

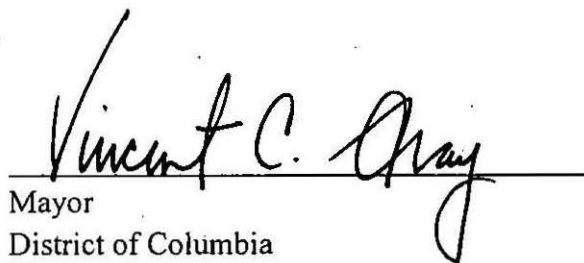
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as

ENROLLED ORIGINAL

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
January 22, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-629

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 18, 2013Codification
District of Columbia
Official Code
2001 Edition

Winter 2013

To amend the Office of Administrative Hearings Establishment Act of 2001 to expand the jurisdiction of the Office of Administrative Hearings to include infractions of rules promulgated pursuant to the Department of Transportation Establishment Act of 2002; to amend the Department of Transportation Establishment Act of 2002 to authorize the District Department of Transportation to plan, develop, and operate a local light rail service to be known as the DC Streetcar, and to establish the DC Streetcar Fund; and to require the Mayor's DC Streetcar Financing and Governance Task Force to issue a comprehensive financing and governance plan for DC Streetcar to the Council.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District Department of Transportation DC Streetcar Amendment Act of 2012".

Sec. 2. Section 6(a) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(a)), is amended as follows:

Amend
§ 2-1831.03

(a) Paragraph (9) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(b) Paragraph (10) is amended by striking the period and inserting the phrase "; and" in its place.

(c) A new paragraph (11) is added to read as follows:

"(11) Adjudications involving infractions of rules established pursuant to Title V of the Department of Transportation Establishment Act of 2002, passed on 2nd reading on December 4, 2012 (Enrolled version of Bill 19-795)."

Sec. 3. The Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 *et seq.*), is amended by adding a new Title V to read as follows:

"TITLE V. DC STREETCAR SERVICE.

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"Sec. 11m. Definitions.

New
§ 50-921.71

"For the purposes of this title, the term:

"(1) "DC Streetcar" means a local fixed guideway transit network offering rail passenger service operated by the District government or its agent.

"(2) "DC Streetcar Fund" or "Fund" means the fund established by section 11o.

"(3) "Ticket" includes a pass, token, or any other form of payment, including payments sold in bulk for resale, which may be used in lieu of cash.

"Sec. 11n. DC Streetcar.

New
§ 50-921.72

"The Department shall have the power to:

"(1) Plan, develop, operate, control, and regulate the DC Streetcar, including establishing fares, charges, tickets, fines, and routes and schedules; and

"(2) Sell space on and within DC Streetcar vehicles or other assets for the display of advertisements and enter into agreements with entities to sell space on vehicles or other assets in return for a fee, or as a gift or donation of services approved by the Mayor.

"Sec 11o. DC Streetcar Fund establishment.

New
§ 50-921.73

"(a) There is established as a special fund the DC Streetcar Fund ("Fund"), which shall be administered by the Department in accordance with subsection (c) of this section.

"(b) The Fund shall consist of revenue from the following sources:

"(1) Revenue collected pursuant to sections 11n and 11p by the District or its agents;

"(2) Revenue collected from DC Streetcar financing districts to be established; and

"(3) Monetary gifts and grants intended to be used to fund the DC Streetcar.

"(c) The Fund shall be used to pay for goods, services, property, or for any other authorized purpose for the administration of the DC Streetcar.

"(d) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (c) of this section without regard to fiscal year limitation, subject to authorization by Congress.

"Sec. 11p. Fares; structure; purpose.

New
§ 50-921.74

"(a) The Department shall set the rates and fares for the DC Streetcar.

"(b) Nothing in subsection (a) of this section shall prevent the Department from offering tickets at no cost or at discounted prices as part of the Department's marketing of the DC Streetcar.

"(c) The Department shall provide quality service at reasonable fares.

"Sec. 11q. Labor negotiations with streetcar operators and technicians.

New
§ 50-921.75

"If federal funds are used to operate the Streetcar program, the Department shall ensure that employee protective arrangements for employees of the DC Streetcar program comply with 49 U.S.C. § 5333(b).

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“Sec. 11r. Rulemaking; enforcement; and adjudication.

New
§ 50-921.76

“(a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this title, including the manner and amount of a fare, fee, or fine.

“(b) Civil fines; penalties, and fees may be imposed as sanctions for an infraction of a rule promulgated under subsection (a) of this section pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

“Sec. 11s. Coordination with the Washington Metropolitan Area Transit Authority.

New
§ 50-921.77

“The Department shall coordinate DC Streetcar planning and operations with the Washington Metropolitan Area Transit Authority to ensure efficient, cost-effective, and coordinated transit service throughout the District of Columbia. ”.

Sec. 4. Comprehensive financing and governance plan.

Note,
§ 50-921.71

On or before December 31, 2013, the Mayor’s DC Streetcar Financing and Governance Task Force shall develop a comprehensive financing and governance plan for DC Streetcar, and shall transmit this plan to the Council.

Sec. 5. Sunset.

Note,
§§ 50-921.71 – 50-921.77

This act shall expire as of September 30, 2015.

Sec. 6. 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. 7. Effective date.

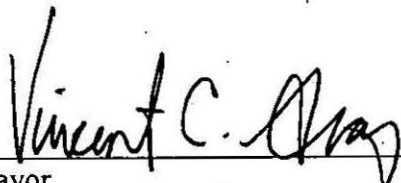
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act,

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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
January 18, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-630Codification
District of Columbi:
Official Code
2001 Edition

Summer 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 22, 2013

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Reckless Driving Amendment Act of 2012".

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

Amend
§ 50-2201.04

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

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

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

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

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

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

or

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

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

"(c)(1) A person violating subsection (b) of this section shall, upon conviction for the first offense, be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214), or incarcerated for no more than 90 days, or both.

"(2) A person violating subsection (b) of this section when the person has been convicted of a prior offense under subsection (b) of this section within a 2-year period and is being sentenced on the current offense shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214), or incarcerated for no more than 180 days.

"(3) A person violating subsection (b) of this section when the person has 2 or more prior convictions for offenses under subsection (b) of this section within a 2-year period and is being sentenced on the current offense shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214), or incarcerated for no more than one year."

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

"(c-1)(1) A person violating subsection (b-1) of this section shall, upon conviction for the first offense, be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214), or incarcerated for no more than 180 days, or both.

"(2) A person violating subsection (b-1) of this section when the person has one or more prior convictions for offenses under subsection (b-1) within a 2-year period and is being sentenced on the current offense shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214), or incarcerated for no more than one year."

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

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

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

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

(a) Paragraph (2) is repealed.

Amend
§ 50-2302.02

ENROLLED ORIGINAL

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

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

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

Amend § 50-1301.37

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

Amend § 23-581

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

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

DCMR

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

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

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

(1) Subsection 303.2 is amended as follows:

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

follows:

"(j) Reckless driving six points".

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

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

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

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

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

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

"303.13 The Director shall redesignate an offense assigned to a driving record pursuant to section 303.12, if the licensee demonstrates by submission of official documentation (e.g., an indication of the number of miles travelled over the speed limit in the location where cited) that the traffic offense committed in another jurisdiction on its facts would have been considered a different offense if committed in the District."

Sec. 8. Applicability.

This act shall apply as of June 1, 2013.

Sec. 9. Fiscal impact statement.

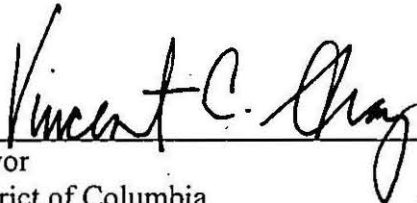
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 10. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 22, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-631

Codification
 District of Columb
 Official Code
 2001 Edition

Winter 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 18, 2013

To amend the District of Columbia Taxicab Commission Establishment Act of 1985 to clarify the regulation of sedan-class vehicles and businesses providing dispatch service to public vehicles-for-hire in the District of Columbia and to update the procedures for the District of Columbia Taxicab Commission hotline; to amend Chapter 28 of Title 47 of the District of Columbia Official Code to create a public vehicle-for-hire license; and to amend the District of Columbia Smoking Prohibition Act of 1979 to eliminate an exception for limousines.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Vehicle-for-Hire Innovation Amendment Act of 2012".

Sec. 2. The District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301 *et seq.*), is amended as follows:

(a) Section 4(20) (D.C. Official Code § 50-303(20)) is amended as follows:

Amend
 § 50-303

(1) Strike the word "dispatch" and insert the phrase "digital dispatch" in its place.

(2) Strike the phrase "charges exclusively on the basis of time and distance" and insert the phrase "charges on the basis of time and distance, except for trips to airports, and other point-to-point trips based on well-traveled routes or event-related trips such as sporting events, which may be charged on a flat-fee basis" in its place.

(b) Section 8(c) (D.C. Official Code § 50-307(c)) is amended as follows:

Amend
 § 50-307

(1) Paragraph (18) is amended by striking the word "and" at the end.

(2) Paragraph (19) is amended by striking the period and inserting the phrase "; and" in its place.

(3) A new paragraph (20) is added to read as follows:

"(20) Charge and collect reasonable fees for services it is authorized to provide under this act and D.C. Official Code § 47-2829(e)(2), with funds to be deposited in the Public Vehicles-for-Hire Consumer Service Fund created by section 20a."

(c) A new section 8b is added to read as follows:

New
 § 50-307.02

"Sec. 8b. Reciprocal agreements.

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“The Commission shall work with its counterparts in surrounding jurisdictions to update its reciprocal agreements and shall submit a report to the Council on or before June 30, 2013, on its progress.”

(d) Section 20 (D.C. Official Code § 50-319) is amended as follows:

Amend
§ 50-319

(1) Subsection (a)(1) is amended by striking the phrase ", including dispatch service,".

(2) Subsection (d) is amended by striking the second sentence.

(e) Section 20a(a) (D.C. Official Code § 50-320(a)) is amended as follows:

Amend
§ 50-320

(1) Paragraph (3) is amended by striking the word “and”.

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

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

“(5) All funds collected by the Commission pursuant to section 8(c)(20).”

(f) Section 20f (D.C. Official Code § 50-325) is amended as follows:

Amend
§ 50-325

(1) Subsection (b)(3) is amended by striking the phrase “February 15” and inserting the phrase “March 30” in its place.

(2) Subsection (e) is amended by striking the phrase “wheelchair-accessible taxicabs” and inserting the phrase “wheelchair-accessible public vehicles-for-hire” in its place.

(3) Subsection (f) is amended by amended by striking the phrase “Wheelchair-accessible taxicabs” and inserting the phrase “Wheelchair-accessible public vehicles-for-hire” in its place.

(g) Section 20h(b) (D.C. Official Code § 50-327(b)) is amended to read as follows:

Amend
§ 50-327

“(b) The Commission shall publicize on its website fuel-efficiency information available from DDOE about vehicles used as public vehicles-for-hire and, upon request, distribute this information at no charge to public vehicle-for-hire operators.”

(h) Section 20i (D.C. Official Code § 50-328) is amended to read as follows:

Amend
§ 50-328

“Sec. 20i. Loitering of public vehicles-for-hire.

“(a) No operator of a public vehicle-for-hire shall loiter around or in front of hotels, restaurants, theaters, or public buildings in the District. For the purposes of this section, the term “loitering” means the willful operation of a public vehicle-for-hire for the purpose of soliciting passengers by stopping the vehicle, or by driving at such a slow speed as may impede or block the normal and reasonable movement of traffic.

“(b) It shall be unlawful for a hotel, restaurant, or theater, or keeper or proprietor or agent acting for the keeper or proprietor, of a hotel, restaurant, or theater in the District to discriminate against a District licensed taxicab operator by excluding the operator from access to a hack stand or other location where taxicabs are regularly allowed to pick up passengers on the hotel premises; provided, that a taxicab or taxicab operator that is not in compliance with taxicab vehicle safety requirements or operator requirements may be denied a passenger and reported to the Commission.

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“(c) It shall be unlawful for a hotel, restaurant, or theater, or keeper or proprietor or agent acting for the keeper or proprietor of a hotel, restaurant, or theater in the District to solicit, or offer to solicit passengers on behalf of a public vehicle-for-hire operator, company, or association if the resulting trip would violate this act. This subsection shall not prohibit a hotel, restaurant, or theater from entering into a written contract to provide its customers with the services of public vehicles-for-hire on a pre-arranged basis, as long as these services are provided in a manner that complies with all laws, rules, and regulations applicable to public vehicles-for-hire in the District.

“(d) The Commission shall have authority to determine, by rule, appropriate fines and penalties for violations of subsections (a), (b), and (c) of this section.”.

(i) Section 20j (D.C. Official Code § 50-329) is amended as follows:

Amend
§ 50-329

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

(A) Strike the phrase “fares,”.

(B) Strike the phrase “to provide safe public passenger transportation” and insert the phrase “; provided, that the rules and regulations are necessary for the safety of customers and drivers, consumer protection, or the collection of non-personal trip data information. Any rules and regulations shall protect personal privacy rights of customers and drivers and shall not result in the disclosure of confidential business information” in its place.

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

“(b) Sedan-class vehicles shall operate exclusively through a digital dispatch service as defined by and meeting the requirements of section 20l and shall not solicit or accept street hails. Sedan-class vehicles shall calculate fares on the basis of time and distance, except trips to airports and other point-to-point trips based on well-traveled routes or event-related trips such as sporting events, which may be charged on a flat-fee basis.”.

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

“(c) An owner of a licensed taxicab or limousine may convert a vehicle from a taxicab or limousine to a sedan-class vehicle; provided, that the vehicle complies with the requirements of sedan-class vehicles. Additionally, if a vehicle meets the requirements of more than one class, and the driver is properly licensed for each class, the vehicle may operate as either class of vehicle.”.

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

“(d)(1) Each company with 20 or more sedan-class vehicles in its fleet as of January 1, 2013, or anytime after, shall dedicate a portion of its sedan-class vehicles as follows:

“(A) At least 6% of each sedan-class fleet shall be wheelchair-accessible by December 31, 2014.

“(B) At least 12% of each sedan-class fleet shall be wheelchair-accessible by December 31, 2016.

“(C) At least 20% of each sedan-class fleet shall be wheelchair-accessible by December 31, 2018.

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"(2) The Commission may withhold the renewal of licenses of companies with sedan-class vehicles that do not meet the requirements of this subsection. The Commission shall have the authority to audit or monitor wait times and rates charged by sedan-class operators and companies in the provision of wheelchair-accessible service in order to evaluate the number of wheelchair-accessible sedans.

"(3) Each company with 20 or more sedan-class vehicles in its fleet as of January 1, 2013, or anytime after, that does not yet have wheelchair-accessible vehicles in its fleet shall provide information as to companies that do offer wheelchair-accessible service to customers upon request."

(j) Section 201 (D.C. Official Code § 50-329.02) is amended as follows:

Amend
§ 50-329.02

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

"(b) A digital dispatch service shall be exempt from regulation by the Commission, other than rules and regulations that are necessary for the safety of customers and drivers or consumer protection. Any rules and regulations shall protect personal privacy rights of customers and drivers, shall not result in the disclosure of confidential business information, and shall allow providers to limit the geographic location of trip data to individual census tracts; provided, that:

"(1) If the digital dispatch service connects a customer to a taxicab, the fare shall be calculated in accordance with the taxicab fare structure established by the Commission through an approved taxicab meter system;

"(2) If the digital dispatch service connects a customer to a public vehicle-for-hire other than a taxicab, before booking the vehicle, the dispatch service shall disclose to the customer the fare calculation method, which shall be in compliance with the method required for that class of vehicle, the applicable rates being charged, and the option for an estimated fare;

"(3) The public vehicles-for-hire using a digital dispatch service shall be licensed and shall provide service in a manner that complies with all laws, rules, and regulations applicable to public vehicles-for-hire in the District;

"(4) The digital dispatch service and the operators it employs, contracts with, or affiliates with shall comply with all reciprocal agreements between governmental bodies in the Washington Metropolitan Area governing public vehicle-for-hire service, including section 828 of Title 31 of the District of Columbia Municipal Regulations (31 DCMR § 828), as long as the Commission is actively accepting and processing applications for the licensure of public vehicle-for-hire operators and vehicles. The condition that the Commission is actively accepting and processing applications shall not apply if it issues rules establishing limits on the number of vehicles and licenses issued pursuant to D.C. Official Code § 47-2829(j), which requires the Committee both to conclude that limits are in the public interest and do not unduly and significantly harm the public vehicle-for-hire industry in the District and to submit the rules to the Council for approval;

ENROLLED ORIGINAL

“(5) Upon completion of the trip, the customer shall receive a paper or electronic receipt that lists the origination and destination of the trip, the total distance and time of the trip, and a breakdown of the total fare paid, including fees and gratuity, if any;

“(6) The digital dispatch service shall provide customers with the ability to indicate an interest in receiving service from a wheelchair accessible vehicle for the purposes of determining market need and for a request for this service once these vehicles become available in this class;

“(7) The digital dispatch service shall not transmit any destination information about a customer, except for the jurisdiction of the customer's destination, to an operator of a public vehicle-for-hire until the customer has booked the trip;

“(8) The digital dispatch service shall not allow a public vehicle-for-hire operator it employs, contracts, or affiliates with to discriminate against customers in any way or to otherwise refuse to provide service to or from an area of the District; provided, that a digital dispatch service may rate a customer as long as the customer's rating may be viewed by the customer, the digital dispatch service includes a non-discrimination policy in its contract terms with public vehicle-for-hire drivers, and the digital dispatch service provides a customer with the ability to report allegations of discrimination in public vehicle-for-hire service;

“(9) The digital dispatch service provides service throughout the entire District; and

“(10) The digital dispatch service shall submit proof to the Commission annually that it is licensed to do business in the District, maintains a registered agent in the District, and maintains a website, which shall contain information on its method of fare calculation, the rates and fees charged, and provides a customer service telephone number or email address.”.

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

“(c) The Commission shall provide contact information, including hyperlinks, if available, for each of the available public vehicle-for-hire dispatch services within the District. The Commission shall list this information or a link to this information on the front page of the Commission's website and shall include the company name and any other appropriate, information, including a hyperlink to the website or phone number listing of each company.

“(d) For the purposes of this section, the term “digital dispatch service” means a business that provides a service that connects a passenger to a public vehicle-for-hire through advanced reservation, including by computer, mobile phone application, text, email, or web-based reservations, or by other means as the Commission may define by rule.”.

(k) Section 20m(1) (D.C. Official Code § 50-329.03(1)) is amended to read as follows:

Amend
§ 50-329.03

ENROLLED ORIGINAL

“(1) Allow the public to file complaints electronically on its website and through a hotline. This hotline shall be available 24 hours a day, 365 days a year, and be listed on the main page of the Commission’s website and in every taxicab.”.

(l) A new section 20n is added to read as follows:

“Sec. 20n. Dome light and Taxicab Smart Meter System installation businesses.

“No person or business shall violate or aid and abet a violation of public vehicle-for-hire laws, rules, and regulations applicable to the installation of a dome light or a Taxicab Smart-Meter System. The Commission shall have authority to determine, by rule, appropriate fines and penalties for violations of this section.”.

New
§ 50-329.04

Sec. 3. Section 47-2829(j) of the District of Columbia Official Code is amended by adding new paragraphs (4) and (5) to read as follows:

Amend
§ 47-2829

“(4) The Commission shall create a single public vehicle-for-hire driver’s license that entitles the holder to operate any public vehicle-for-hire, including a taxicab, limousine, sedan-class vehicle, and other classes of public vehicles for hire. This license shall be granted by the Commission through a single course, examination, and licensure application process.

“(5)(A) The Commission shall seek to actively license public vehicle-for hire drivers and vehicles. On or before February 28, 2013, the Commission shall have taken all necessary steps to issue licenses for sedan-class operators and vehicles, including administering a qualifying course and examination, and shall issue these licenses to qualified applicants. Until March 1, 2013, the Commission shall stay enforcement against vehicles licensed to provide for-hire services in other jurisdictions that also provide sedan-class service in the District.

“(B) On or before July 15, 2013, the Commission shall submit a report to the Council:

“(i) Stating the number of public vehicle-for-hire companies, associations, licensed drivers, and vehicles, by class, as of December 31, 2012, and June 30, 2013;

“(ii) Estimating the number of public vehicle-for-hire companies, associations, licensed drivers, and vehicles, by class, projected for December 31, 2013, and June 30, 2014; and

“(iii) Identifying and discussing the Commission’s efforts to train, inspect, and license new drivers and vehicles.”.

Sec. 4. Section 4(5) of the District of Columbia Smoking Restriction Act of 1979, effective September 28, 1979 (D.C. Law 3-22; D.C. Official Code § 7-1703(5)), is amended by striking the phrase “, except that smoking with the prior consent of all occupants of the vehicle shall be permitted when the vehicle is a limousine”.

Amend
§ 7-1703

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Sec. 5. Applicability.

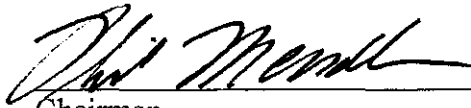
This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Sec. 6. Fiscal impact statement.

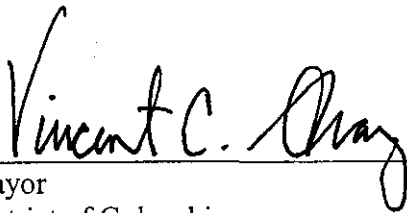
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. 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
January 18, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-632

Codification
District of Columbia
Official Code
2001 Edition

Winter 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 18, 2013

To amend the District of Columbia Home Rule Act to provide for local budget autonomy.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Local Budget Autonomy Amendment Act of 2012".

Sec. 2. The District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *et seq.*), is amended as follows:

(a) The table of contents is amended by striking the phrase "Sec. 446. Enactment of Appropriations by Congress" and inserting the phrase "Sec. 446. Enactment of local budget by Council" in its place.

(b) Section 404(f) (D.C. Official Code § 1-204.04(f)) is amended by striking the phrase "transmitted by the Chairman to the President of the United States" both times it appears and inserting the phrase "incorporated in the budget act and become law subject to the provisions of section 602(c)" in its place.

Amend
§ 1-204.04

(c) Section 412 (D.C. Official Code § 1-204.12) is amended by striking the phrase "(other than an act to which section 446 applies)".

Amend
§ 1-204.12

(d) Section 441(a) (D.C. Official Code § 1-204.41(a)) is amended —by striking the phrase "budget and accounting year." and inserting the phrase "budget and accounting year. The District may change the fiscal year of the District by an act of the Council. If a change occurs, such fiscal year shall also constitute the budget and accounting year." in its place.

Amend
§ 1-204.41

(e) Section 446 (D.C. Official Code § 1-204.46) is amended to read as follows:
"ENACTMENT OF LOCAL BUDGET BY COUNCIL.

Amend
§ 1-204.46

"Sec. 446. (a) Adoption of Budgets and Supplements - The Council, within 70 calendar days, or as otherwise provided by law, after receipt of the budget proposal from the Mayor, and after public hearing, and by a vote of a majority of the members present and voting, shall by act adopt the annual budget for the District of Columbia government. The federal portion of the annual budget shall be submitted by the Mayor to the President for transmission to Congress. The local portion of the annual budget shall be submitted by the Chairman of the Council to the Speaker of the House of Representatives pursuant to the procedure set forth in section 602(c). Any supplements to the annual budget shall also be

ENROLLED ORIGINAL

adopted by act of the Council, after public hearing, by a vote of a majority of the members present and voting.

“(b) Transmission to President During Control Years - In the case of a budget for a fiscal year which is a control year, the budget so adopted shall be submitted by the Mayor to the President for transmission by the President to the Congress; except, that the Mayor shall not transmit any such budget, or amendments or supplements to the budget, to the President until the completion of the budget procedures contained in this Act and the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

“(c) Prohibiting Obligations and Expenditures Not Authorized Under Budget- Except as provided in section 445A(b), section 446B, section 467(d), section 471(c), section 472(d)(2), section 475(e)(2), section 483(d), and subsections (f), (g), (h)(3), and (i)(3) of section 490, no amount may be obligated or expended by any officer or employee of the District of Columbia government unless--

“(1) such amount has been approved by an act of the Council (and then only in accordance with such authorization) and such act has been transmitted by the Chairman to the Congress and has completed the review process under section 602(c)(3); or

“(2) in the case of an amount obligated or expended during a control year, such amount has been approved by an Act of Congress (and then only in accordance with such authorization).

“(d) Restrictions on Reprogramming of Amounts - After the adoption of the annual budget for a fiscal year (beginning with the annual budget for fiscal year 1995), no reprogramming of amounts in the budget may occur unless the Mayor submits to the Council a request for such reprogramming and the Council approves the request, but and only if any additional expenditures provided under such request for an activity are offset by reductions in expenditures for another activity.

“(e) Definition - In this part, the term “control year” has the meaning given such term in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.”

(f) Section 446B(a) (D.C. Official Code § 1-204.46b(a)) is amended as follows:

(1) Strike the phrase “the fourth sentence of section 446” and insert the phrase “section 446(c)” in its place.

(2) Strike the phrase “approved by Act of Congress”.

(g) Section 447 (D.C. Official Code § 1-204.47) is amended as follows:

(1) Strike the phrase “Act of Congress” each time it appears and insert the phrase “act of the Council (or Act of Congress, in the case of a year which is a control year)” in its place.

(2) Strike the phrase “Acts of Congress” each time it appears and insert the phrase “acts of the Council (or Acts of Congress, in the case of a year which is a control year)” in its place.

Amend
§ 1-204.46b

Amend
§ 1-204.47

ENROLLED ORIGINAL

(h) Sections 467(d), 471(c), 472(d)(2), 475(e)(2), and 483(d), and 490(f), (g)(3), (h)(3), and (i)(3) are amended by striking the phrase "The fourth sentence of section 446" and inserting the phrase "Section 446(c)" in its place.

Amend
§§ 1-204.67,
1-204.71,
1-204.72,
1-204.75,
1-204.83,
1-204.90

Sec. 3. Applicability.

Section 2 shall apply as of January 1, 2014.

Sec. 4. Fiscal impact statement.

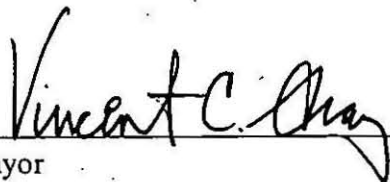
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect as provided in section 303 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 784; D.C. Official Code § 1-203.03).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 18, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-633

Codification
District of Colum
Official Code
2001 Edition
Winter 2013

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

To amend Chapter 28 of Title 47 of the District of Columbia Official Code to clarify that the membership of the Board of Barber and Cosmetology shall include body artists and to clarify the penalties for unlawful body art procedures, solicitations, and advertisements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Regulation of Body Artist and Body Art Establishments Clarifying Amendments Act of 2012".

Sec. 2. Chapter 28 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-2853.06(c) is amended by striking the phrase "cosmetologists and 2 shall be consumer members" and inserting the phrase "cosmetologists, 3 shall be body artists, and 2 shall be consumer members" in its place.

Amend
§ 47-2853.06

(b) Section 47-2853.76e(e) is amended by striking the phrase "subsection (a) of".

Amend
§ 47-2853.76e

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.

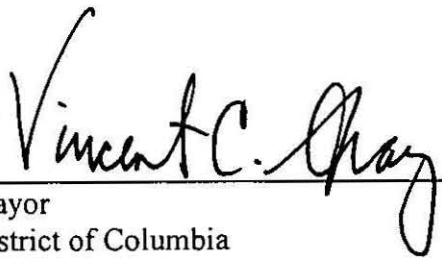
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act,

ENROLLED ORIGINAL

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
January 22, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 19-634

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

Codification
 District of Columbi
 Official Code
 2001 Edition

Winter 2013

To amend the District of Columbia Traffic Act, 1925 to clarify the exceptions and exemptions for payment of excise tax for transfer of ownership of a motor vehicle.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Excise Tax Amendment Act of 2012".

Sec. 2. Section 6(j) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(j)), is amended as follows:

Amend
 § 50-2201.03

(a) The lead-in language of paragraph (1) is amended to read as follows:

"(1) In addition to the fees and charges levied under other provisions of this act, there is levied and imposed an excise tax on the issuance of every original certificate of title for a motor vehicle or trailer in the District of Columbia and every subsequent certificate of title issued in the District of Columbia in the case of a sale, resale, or gift, except in the case of a bona fide gift of a vehicle already titled in the District given between spouses, parent and child, or domestic partners, as that term is defined in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)), or other transfer at the following percentage of the fair market value of the motor vehicle or trailer at the time the certificate of title is issued:"

(b) Paragraph 3(H) is amended to read as follows:

"(H) Motor vehicles and trailers registered or titled in another state or United States jurisdiction by a nonresident before the nonresident established or maintained residency in the District."

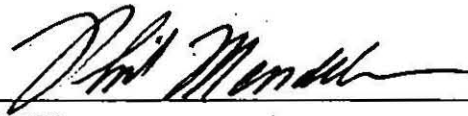
Sec. 3. Fiscal impact statement.

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)).

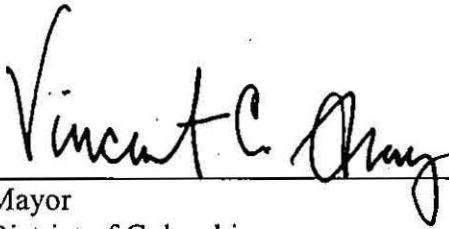
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Sec. 4. Effective date.

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
January 22, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 19-635

Codification
District of Columbia
Official Code
2001 Edition

Winter 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 25, 2013

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Safety-Based Traffic Enforcement Emergency Amendment Act of 2012”.

TITLE I -- ASSESSMENTS; AUTOMATED ENFORCEMENT PLAN; SIGNAGE

Sec. 101. Safety impact of fine reductions.

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

Note,
§ 50-2301.05

ENROLLED ORIGINAL

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

Within 180 days of the effective date of the Act, the Mayor shall post signs identifying the entire District as a strict traffic enforcement zone and warning that automated cameras are used to enforce a wide range of moving violations. The signs shall be posted throughout the District, in locations as determined by the Mayor to be necessary or appropriate.

Sec. 103. Automated enforcement expansion plan.

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

- (1) An explanation of the plan, its goals, and the strategies to achieve the goals, such as red light, speed, fixed, and mobile;
- (2) A recommended number of automated enforcement cameras, by category, that should be deployed in the District to achieve appropriate levels of enforcement and associated traffic safety results;
- (3) A timeline for deploying the recommended number of cameras, including the number of additional cameras needed, by category and by fiscal year; and
- (4) The amount of funding necessary, in addition to what has been authorized as of the date of the plan's publication, by fiscal year, to attain the target number of cameras.

Sec. 104. Speed limit assessment.

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

- (1) Utilize factors common among transportation officials for the determination of speed limit;
- (2) Use factors based on safety and mobility needs of pedestrians, bicyclists, transit drivers, and all other potential road users, as well as factors based on input from local neighborhood representatives and organizations that promote road safety including Advisory Neighborhood Commissions, the Pedestrian Advisory Council, and the Bicycle Advisory Council;
- (3) Evaluate whether comparable arterials should have comparable speed limits, and similarly do so for other streets;
- (4) Include, based solely on an engineering perspective, speed limits for the District's arterials and other streets.

ENROLLED ORIGINAL

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

Sec. 105. Emergency speed-limit changes.

(a) Notwithstanding section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-505(c)), the Mayor may not adopt an order, regulation, or rule concerning posted speed limits through emergency rulemaking.

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

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

Sec. 106. Council approval of fine schedule.

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

Note,
§ 50-2301.05

TITLE II -- PEDESTRIANS IN CROSSWALKS

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

Note,
§ 50-2201.28

ENROLLED ORIGINAL

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

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

DCMR

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

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

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

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

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

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

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

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

“Right turn on red

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

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

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

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

(B) Strike the phrase “\$125” after the phrase “11 to 15 mph in excess of limit [§ 2200]” and insert the phrase “\$75” in its place.

ENROLLED ORIGINAL

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

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

TITLE IV – APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE

Sec. 401. Applicability.

(a) Title I and Title II of this act shall apply as of the effective date of this act.

(b)(1) Section 301(1) through (4) of Title III shall apply as of April 1, 2013 through September 30, 2013.

(2) After September 30, 2013, section 301(2) through (5) 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.

Sec. 402. Fiscal impact statement.

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

Sec. 403. Effective date.

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

ENROLLED ORIGINAL

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
January 19, 2013

ENROLLED ORIGINAL

A RESOLUTION

20-21

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To declare the existence of an emergency, due to Congressional review, with respect to the need to provide grant-making authority for the Director of the Department of Employment Services to ensure efficient use of funds for workforce job development.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Workforce Job Development Grant-Making Authority Congressional Review Emergency Declaration Resolution of 2013".

Sec. 2. (a) The Workforce Job Development Grant-Making Authority Act of 2012, signed by the Mayor on January 25, 2013 (D.C. Act 19-648; 60 DCR _____), was approved by the Council on 2nd reading on December 18, 2012. The temporary law, the Workforce Job Development Grant-Making Authority Temporary Act of 2012, effective May 31, 2012 (D.C. Law 19-130; 59 DCR 2387), expired on January 11, 2013, Act 19-648 is awaiting Congressional transmittal and is not projected to complete its Congressional review period and become law until sometime in April 2013. The purpose of this Congressional review emergency is to prevent a gap in legal authority.

(b) There exists a need to improve the grant-making process for workforce job development funds available to the Department of Employment Services from both local appropriations and federal Workforce Investment Act sources.

(c) Providing grant-making authority for the Director of the Department of Employment Services for these funds will improve the speed and efficiency of the grant process for training and other services for unemployed District residents.

(d) Failure to provided this grant-making authority will delay the provision of needed services and risks possible lapses of funds.

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 Workforce Job Development Grant-Making Authority Congressional Review Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-22

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To declare the existence of an emergency, due to Congressional review, to amend Chapter 46 of Title 47 of the District of Columbia Official Code to abate the real property taxes on the real property known as the Parkside Parcel E and J Mixed-Income Apartments.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Parkside Parcel E and J Mixed-Income Apartments Tax Abatement Congressional Review Emergency Declaration Resolution of 2013".

Sec. 2. (a) In December 2012, the Council enacted the Parkside Parcel E and J Mixed-Income Apartments Tax Abatement Emergency Act of 2012, effective December 2, 2012 (D.C. Act 19-556; 59 DCR 14782) ("emergency legislation") and the Parkside Parcel E and J Mixed-Income Apartments Tax Abatement Temporary Act of 2012, signed by the Mayor on December 20, 2012 (D.C. Act 19-573; 60 DCR 00101) ("temporary legislation"). The Parkside Parcel E and J Mixed-Income Apartments are part of a large, 15-acre mixed-use development project in the Kenilworth-Parkside neighborhood of Ward 7. A tax abatement is necessary to facilitate a speedy closing process in order to break ground on these buildings as soon as possible. In absence of this tax abatement, the funding sources may not be available to make this project a reality.

(b) The emergency legislation will expire on March 2, 2013, before the temporary legislation is in effect and before the permanent 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 Parkside Parcel E and J Mixed-Income Apartments Tax Abatement Congressional Review Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-23

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend section 47-2829 of the District of Columbia Official Code to authorize the District of Columbia Taxicab Commission to charge and collect reasonable fees to provide educational services for the public vehicle-for-hire industry, with funds to be deposited into the Public Vehicles-for-Hire Consumer Service Fund.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public Vehicle-for-Hire Educational Services Congressional Review Emergency Declaration Resolution of 2013".

Sec. 2. (a) The District of Columbia Taxicab Commission ("Commission"), which regulates the public vehicle-for-hire industry in the District of Columbia, is statutorily required to provide educational services in the form of training courses, refresher courses, and testing for public vehicle-for-hire operators. These courses and examinations are prerequisites for obtaining a public vehicle-for-hire license.

(b) In the past, these training courses and examinations were coordinated between the Commission and the University of the District of Columbia ("UDC") and offered at UDC. However, the course and examination have not been offered for some time. The Taxicab Service Improvement Amendment Act of 2012, effective October 22, 2012 (D.C. Law 19-184; 59 DCR 9431), requires the Commission to revamp the required course and examination and offer it to public vehicle-for-hire operators; however, the legislation does not authorize the Commission to charge or collect fees to provide this course or the examination. Given the urgent need for the Commission to reopen the training course and examination as required by law, the Commission needs to have the authority to charge and collect fees to operate the course and examination, as its existing funds would not cover the expenses. The fees charged and collected would be used to develop and administer the course and examinations, offset the cost of using facilities to house the course and examinations, as well as create materials and provide instructors.

(c) All of the fees that would be charged and collected from the course would be deposited in the Public Vehicle-For-Hire Consumer Service Fund, a special purpose revenue fund created by section 20a of the District of Columbia taxicab Commission Establishment Act of 1985, effective May 10, 1988 (D.C. Law 7-107; D. C. Official Code § 50-320), that contains all of the funds available to the Commission, as it no longer receives local funds. The rental fee discussed in subsection (b) of this section was not listed in the Master Fee Schedule, as required by the Fiscal

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Year 2013 Budget Submission Requirements Resolution of 2011, effective December 6, 2011 (Res. 19-449; 58 DCR 11027), thus depriving the public and the Council of formal notice of this fee.

(d) This Congressional review emergency legislation is necessary to authorize the Commission to charge and collect the fees described in subsection (b) of this section, as the Commission is statutorily required to provide these courses and examination. Without this legislation, the Commission would not be able to offer these courses and examinations to grant new public vehicle-for-hire operator licenses. Furthermore, this Congressional review legislation is necessary to ensure that there is no gap between when the emergency and temporary versions of this bill take 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 Public Vehicle-for-Hire Educational Services Congressional Review Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-24

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To declare the existence of an emergency, due to Congressional review, with respect to the need to approve an extension of time to dispose of District-owned real property located at 400-414 Eastern Avenue, N.E. and in the 6100 block of Dix Street, N.E., known for tax and assessment purposes as Lots 17, 18, 19, and 806 in Square 5260.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Extension of Time to Dispose of Eastern Avenue Property Congressional Review Emergency Declaration Resolution of 2013".

Sec. 2. (a) In April 2009, the District concluded a competitive solicitation process by selecting Dix Street Corridor Revitalization Partners, LLC ("Developer") to construct 63 townhome units on District-owned real property located at 400-414 Eastern Avenue, N.E., and in the 6100 block of Dix Street, N.E., known for tax and assessment purposes as Lots 17, 18, 19, and 806 in Square 5260 (the "Property"). The two-phased project will be an entirely affordable mixed-income community consisting exclusively of newly constructed townhomes with off-street parking.

(b) Pursuant to the Land Disposition and Development Agreement ("LDDA") dated October 16, 2009, the Developer's ability to evidence documents required to close on all of the debt financing and any additional funding sources for construction of the project is a condition precedent to each closing phase. Due to delays caused by the parties' agreement after execution of the LDDA that the Developer would provide more affordable housing at deeper levels of affordability and the resultant difficulty in securing qualified buyers at these new lower affordability levels, the funding of the second phase of the project will not occur before the expiration of the Council's previous approval, October 6, 2012, and therefore, closing before that date will not be possible. The District and the Developer agree that the Developer will need additional time beyond October 6, 2012 to secure and evidence funding for the second phase of the project.

(c) There is an immediate need to approve the extension of the Mayor's authority to dispose of the Property to allow the District to further its affordable housing goals and be made whole with respect to its project-based investment, and to provide the benefits of affordable and workforce housing to the community.

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(d) On October 4, 2012, the Council enacted the Extension of Time to Dispose of the Eastern Avenue Property Emergency Amendment Act of 2012, effective October 4, 2012 (D.C. Act 19-456; 59 DCR 11746) ("emergency legislation"), which remedied the above-referenced issues. The emergency legislation expired on January 2, 2013.

(e) Accompanying temporary legislation has not completed the 30-day Congressional review period required by 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 is not projected to become law until March of 2013.

(f) The emergency legislation extended the Mayor's disposition authority for the Property until October 6, 2013, to allow the parties to meet the remaining closing deadlines and avert the substantial harm and loss to the District. It is important that the provisions of the emergency legislation remain in effect with minimal interruption until the temporary legislation takes 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 Extension of Time to Dispose of Eastern Avenue Property 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

20-25

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To declare the existence of an emergency, due to Congressional review, with respect to the need to approve an extension of time to dispose of District-owned real property located at 5131 Nannie Helen Burroughs Avenue, N.E., known as the Strand Theater.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Extension of Time to Dispose of the Strand Theater Congressional Review Emergency Declaration Resolution of 2013".

Sec. 2. (a) On June 16, 2008, the Deputy Mayor for Planning and Economic Development awarded Washington Metropolitan Community Development Corporation ("Developer"), exclusive rights to negotiate to redevelop the District-owned real property located at 5131 Nannie Helen Burroughs Avenue, N.E., known for tax and assessment purposes as Lot 801 in Square 5196 ("Strand Theater"), along with an adjacent developer-owned property, as part of a commercial-use project that will include vibrant, street-front retail, a community and office space, and off-street parking.

(b) Pursuant to the Land Disposition Agreement ("LDA") dated March 30, 2010, the Developer is required to secure all sources of financing for the Strand Theater as a condition precedent to closing. Due to a risk-adverse market, lender underwriting standards were raised in terms of equity requirements and debt-service coverage ratios, forcing a slight reduction in the project's scale. Lender requirements that a retail tenant be secured before committing financing to the project have led to further delays. Additionally, other sources of funding, including public lenders, would not commit until the developer secured a higher loan-to-value ratio.

(c) The Developer has secured a letter of intent from a retail tenant and has begun to complete all pre-development activities associated with securing all sources of funding for the project, as required by the LDA. Due to delays in securing financing, exacerbated by the requirement that a retail tenant be secured, closing will not occur by the expiration of the Council's previous extension to October 6, 2012, pursuant to the Strand Theater Disposition Extension Approval Resolution of 2011, effective September 20, 2011 (Res. 19-360; 58 DCR 8477).

(d) On October 4, 2012, the Council enacted the Extension of Time to Dispose of the Strand Theater Emergency Amendment Act of 2012, effective October 4, 2012 (D.C. Act 19-457; 59 DCR 11748) ("emergency legislation"), which remedied the above-referenced issues. The emergency legislation expired on January 2, 2013.

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(e) Accompanying temporary legislation has not completed a 30-day Congressional review period required by 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 is not projected to become law until March of 2013.

(f) The emergency legislation extended the Mayor's disposition authority for the Property until October 6, 2013, to allow the parties to meet the closing and pre-development deadlines. It is important that the provisions of the emergency legislation remain in effect with minimal interruption until the temporary legislation takes 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 Extension of Time to Dispose of the Strand Theater 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

20-26

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Homeless Services Reform Act of 2005 to authorize the Mayor and the District of Columbia Housing Authority to fill vacant Rent Supplement Program tenant-based voucher slots with homeless families referred by the Department of Human Services and determined to have first priority to shelter, through the end of the 2012-2013 hypothermia season.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Local Rent Supplement Program Voucher Congressional Review Emergency Declaration Resolution of 2013".

Sec. 2. (a) Recently a number of vacant local rental assistance vouchers under the Rent Supplement Program were allowed to lapse by the District of Columbia Housing Authority ("DCHA").

(b) Over the past 2 years, the Council has stricken language in budget support acts prohibiting DCHA from filling vacant vouchers.

(c) Following a public oversight roundtable on the matter, a compromise was reached to use the vacant vouchers for the housing needs of homeless families referred by the Department of Human Services.

(d) The Mayor and the District of Columbia Housing Authority need the legal authority to immediately begin to fill vacant Rent Supplement Program tenant-based voucher slots with homeless families referred by the Department of Human Services and determined to have first priority to shelter.

(e) These referrals shall be made in accordance with the special eligibility criteria set forth in sections 2556, 2557, and 2558 of Title 29 of the District of Columbia Municipal Regulations (29 DCMR § 2556 - 2558).

(f) The Council enacted the Local Rent Supplement Program Voucher Emergency Amendment Act of 2012, effective November 16, 2012 (D.C. Act 19-545; 59 DCR 13590), which allows vouchers to be targeted to families in most urgent need of housing during the 2012-2013 hypothermia season. This emergency legislation expires on February 14, 2013, and associated temporary legislation has not completed the 30-day Congressional review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973

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(87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)) and is not projected to become law until after February 14, 2013.

(g) It is important that the provisions of the emergency legislation remain in effect until the temporary legislation takes 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 Local Rent Supplement Program Voucher 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

20-27

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To declare the existence of an emergency with respect to the need to approve Change Orders No. 001 through No. 005 to the Contract for Design-Build Services for the Phase 1 Modernization of Lasalle-Backus Education Campus between the District of Columbia government and MCN Build, LLC, Contract No. DCAM-12-M-1031E-FM, and to authorize payment to MCN Build, LLC in the aggregate amount of \$2,299,749.40 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. 001 through No. 005 to Contract No. DCAM-12-M-1031E-FM Approval and Payment Authorization Emergency Declaration Resolution of 2013".

Sec. 2. (a) There exists an immediate need to approve Change Orders No. 001 through No. 005 to Contract No. DCAM-12-M-1031E-FM for design-build services and additional project scope consisting of window replacement and the installation of a new elevator in the aggregate amount of \$2,299,749.40, 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 Contract No. DCAM-12-M-1031E-FM (CA 19-0340).

(c) Change Order No. 005 will cause the aggregate change orders issued, after Council approval of the Contract No. DCAM-12-M-1031E-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. 001 through No. 005 in the aggregate amount of \$2,299,749.40 is necessary to compensate the contractor for work completed and to be completed at LaSalle-Backus Education Campus.

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. 001 through No. 005 to Contract No. DCAM-12-M-1031E-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

20-28

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To declare the sense of the Council of the District of Columbia that the decision of the United States Supreme Court in *Citizens United v. Federal Election Commission* was wrongly decided and to call upon the United States Congress to propose and send to the states for ratification a constitutional amendment to overturn *Citizens United v. Federal Election Commission*.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council Regarding *Citizens United* and Fair Elections Resolution of 2013".

Sec. 2. The Council finds that:

- (1) The protections afforded by the First Amendment to the United States Constitution to the people of our nation are fundamental to our democracy.
- (2) The First Amendment was designed to protect the free speech rights of people, not corporations.
- (3) Corporations are not people but, instead, are entities created by the laws of states and nations.
- (4) For the past 3 decades, a divided United States Supreme Court has reinterpreted its precedents, weakening restrictions to combat the corrupting influence that money can have in democratic elections.
- (5) The judicial erosion of protections against electoral corruption reached an extreme conclusion in the Supreme Court's ruling in *Citizens United v. Federal Election Commission*, 130 S. Ct. 876 (2010) ("*Citizens United*").
- (6) The Supreme Court's ruling in *Citizens United* overturned longstanding precedent prohibiting corporations from spending their general treasury funds in public elections.
- (7) The opinion of the 4 dissenting justices in *Citizens United* noted that corporations have special advantages not enjoyed by natural persons, such as limited liability, perpetual life, and favorable treatment of the accumulation and distribution of assets, that allow them to amass great sums of money, and thereby be able to spend prodigious sums on campaign messages to favor their corporate profits.

ENROLLED ORIGINAL

(8) The Supreme Court's ruling in *Citizens United* has unleashed a torrent of corporate money in the political process unmatched by any campaign expenditure totals in United States history.

(9) *Citizens United* affects not only the federal elections but restricts states' efforts to control the corrupting influence of money in state and local elections.

(10) The Supreme Court's ruling in *Citizens United* represents a serious threat to the integrity of democratic elections.

(11) The general public and political leaders in the United States have recognized since the founding of our country that the interests of corporations do not always correspond with the public interest and, therefore, the political influence of corporations should be limited.

(12) In 1816, Thomas Jefferson wrote, "I hope we shall ... crush in [its] birth the aristocracy of our monied corporations which dare already to challenge our government to a trial of strength and bid defiance to the laws of our country."

(13) A February 2010 Washington Post-ABC News poll found that 80 percent of Americans oppose the U.S. Supreme Court *Citizens United* ruling.

(14) Article V of the United States Constitution empowers and obligates the people and states of the United States of America to use the constitutional amendment process to correct decisions of the Supreme Court.

(15) Notwithstanding the decision in *Citizens United*, legislators have a duty to protect democracy and guard against the potentially detrimental effects of corporate spending in local, state, and federal elections.

Sec. 3. It is the sense of the Council that:

(1) The Council respectfully disagrees with the majority opinion and decision of the United States Supreme Court in *Citizens United*.

(2) The United States Congress should propose and send to the states for ratification a constitutional amendment to overturn *Citizens United* with regard to corporate influence in elections.

(3) The amendment should make clear that corporations may be limited in their First Amendment speech.

Sec. 4. Transmittal.

The Secretary shall transmit a copy of this resolution, upon its adoption, to the President and Vice President of the United States, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the United States Senate, the Minority Leader of the United States Senate, and to our delegate in the House of Representatives and Shadow Senators in the Congress of the United States.

Sec. 5. Effective date.

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

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A RESOLUTION

20-29

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To approve proposed rules of the Alcoholic Beverage Control Board that would amend section 718 of Title 23 of the District of Columbia Municipal Regulations to establish reimbursement levels for continued funding of the Reimbursable Detail Subsidy Program for Metropolitan Police Department reimbursable details.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Reimbursable Detail Subsidy Program Regulations Approval Resolution of 2013".

Sec. 2. Pursuant to D.C. Official Code § 25-211(b), the Mayor, on November 6, 2012, transmitted to the Council proposed rulemaking by the Alcoholic Beverage Control Board that would set new reimbursement levels for the distribution of subsidies by the Alcoholic Beverage Regulation Administration to the Metropolitan Police Department ("MPD") to cover costs incurred by Alcoholic Beverage Control licensees for MPD officers working reimbursable details on District or federal holidays, as well as Friday and Saturday nights, from 11:30 p.m. to 5:00 a.m. The Council approves the proposed rules, published at 59 DCR 13442, to amend section 718.2 of Title 23 of the District of Columbia Municipal Regulations.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the Mayor and the Chairperson of the Alcoholic Beverage Control Board.

Sec. 4. 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. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-30

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To declare the existence of an emergency with respect to the need to limit the number of medical marijuana cultivation centers and dispensaries that may locate in a single election ward in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Medical Marijuana Cultivation Center and Dispensary Location Restriction Emergency Declaration Resolution of 2013".

Sec. 2. (a) There exists an emergency regarding the number of medical marijuana cultivation centers and medical marijuana dispensaries that may locate in a single election ward.

(b) An oversaturation of medical marijuana cultivation centers exclusively and inequitably falls upon Ward 5. Currently there are 6 cultivation centers approved for registration in the District of Columbia. Five of the 6 cultivation centers are located in Ward 5. There is also one medical marijuana dispensary currently operating in Ward 5.

(c) This emergency legislation addresses the immediate concerns of residents who would be adversely impacted by an overconcentration of medical marijuana cultivation centers and medical marijuana dispensaries in any one ward.

(d) The Department of Health is poised to solicit a new round of applications, which will begin the process of registering new medical marijuana cultivation centers to operate within the District of Columbia.

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 Medical Marijuana Cultivation Center and Dispensary Location Restriction Emergency Amendment Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-31

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To declare the existence of an emergency with respect to the need to amend section 47-462 of the District of Columbia Official Code to extend the deadline for the final report of the Tax Revision Commission; and to amend the Procurement Practices Reform Act of 2010 to allow the Tax Review Commission to procure goods and services independent of the Chief Procurement Officer pursuant to a streamlined small-purchase procurement process for contracts for goods and services not exceeding \$40,000.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Tax Revision Commission Report Extension and Procurement Streamlining Emergency Declaration Resolution of 2013".

Sec. 2. (a) The purpose of the Tax Revision Commission ("Commission") is to conduct a broad and deep review of the District's tax laws, tax expenditures, revenues, tax base, and economy, and to provide the Council and the Mayor with recommendations for reform. The Commission is required by law to submit its recommendations in the form of a report or reports similar in form and scope as those transmitted by the District of Columbia Tax Revision Commission in 1998.

(b) Under current law (D.C. Official Code § 47-462(d)), the Tax Revision Commission was given just 9 months to produce its report and recommendations.

(c) The original Tax Revision Commission required 2 years between passage of the legislation and the publication of its well-researched and in-depth report in 1998.

(d) The members of the Commission are of the opinion that an extension of the time for the Commission to publish its report and recommendations would result in a publication of both depth and breadth comparable to the 1998 report and which would better inform policy decisions in the coming years. This will provide the Commission with the necessary time to commission studies externally and produce the best and most thoughtful product.

(e) The work of the Commission will be most effective if the deadline for the report is extended to the end of fiscal year 2013, or September 30, 2013.

(f) The Commission has experienced difficulty in attempting to execute quick procurements for expert research into particular topics of tax law and policy. With the reporting deadline approaching, the Commission has an urgent need for expedited contracting.

(g) Exempting certain procurements from the requirements of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et*

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seq.), will allow the Commission to accomplish its statutory mandate within the deadline set forth in the Tax Revision Commission Report Extension and Procurement Streamlining Emergency Amendment Act of 2013.

(h) The Tax Revision Commission Report Extension and Procurement Streamlining Emergency Amendment Act of 2013 would allow the Commission to procure goods and services independent of the Chief Procurement Officer pursuant to a streamlined small-purchase procurement process for contracts for goods and services not exceeding \$40,000. Limiting the Commission's independent procurement authority to contracts of such a small amount will ensure that the District's policy of favoring competitive procurements is not undermined.

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 Tax Revision Commission Report Extension and Procurement Streamlining Emergency Amendment Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-32

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To declare an emergency with respect to the need to amend An Act To amend the Act entitled "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, and for other purposes to clarify that overtime pay of the Fire and Emergency Medical Services Department is not subject to limitation during the pay periods involving the 2013 Presidential Inauguration.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fire and Emergency Medical Services Department Inaugural Overtime Clarification Emergency Declaration Resolution of 2013".

Sec. 2. (a) Section 3023(c) of the Fiscal Year 2013 Budget Support Amendment Act of 2012, D.C. Law 19-168, amended section 2 of An Act To amend the Act entitled "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, and for other purposes, approved June 19, 1948 (62 Stat. 498; D.C. Official Code § 5-405), to suspend the overtime restrictions set forth in section 2(h) (D.C. Official Code § 5-405(h)) during pay periods 1 and 2 in calendar year 2013 to allow for needed overtime during the 2013 Presidential Inauguration.

(b) Being clear that the suspension applies to work performed during January of 2013, the Office of the Chief Financial Officer ("OCFO") guided the Council to specify "pay periods 1 and 2."

(c) The Chief Financial Officer has now concluded, however, that pay periods 1 and 2 cover a somewhat different time period and, as a result, the OCFO is disallowing payment of overtime the Council intended to permit.

(d) This legislation will amend section 2(h) (D.C. Official Code § 5-405(h)) by changing the reference to pay periods "1 and 2" to pay periods "2 and 3".

(e) This legislation is necessary to correct the OCFO's mistake so as to allow the already worked overtime to be paid.

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 Fire and Emergency Medical Services Department Inaugural Overtime Clarification 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

20-33

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To declare the existence of an emergency with respect to the need to approve a multiyear contract with the U.S. Department of Justice to tag on its task order with JPMorgan Chase Bank to provide to District agencies commercial card services for purchase and travel cards under the General Services Administration's SmartPay® 2 Program, and to authorize payment in the amount of \$45,000,000 for goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCPO-2008-T-0076 Approval and Payment Authorization Emergency Declaration Resolution of 2013".

Sec. 2. (a) On September 16, 2008, the Office of Contracting and Procurement, on behalf of several District agencies ("OCP"), entered into a memorandum of understanding with the U.S. Department of Justice ("DOJ") to tag on its task order with JPMorgan Chase Bank to provide to District agencies commercial card services for purchase and travel cards under the General Services Administration's SmartPay® 2 Program for a base period from November 30, 2008, through November 29, 2012. OCP now desires to exercise the first 3-year option period.

(b) The estimated total expenditure under the first 3-year option period of this multiyear contract with DOJ is \$45,000,000.

(c) Approval is necessary to allow the District to receive and continue to receive the benefit of these vital services from DOJ.

(d) These critical services can only be obtained through an award of the multiyear contract with DOJ.

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 Contract No. DCPO-2008-T-0076 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

20-34

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To declare the existence of an emergency with respect to the need to approve multiyear Contract No. CW18948 with ARAMARK Correctional Services, LLC to operate and manage the food service program at the District's Central Detention Facility and the Correctional Treatment Facility.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CW18948 Emergency Declaration Resolution of 2013".

Sec. 2. (a) The Office of Contracting and Procurement, on behalf of the Department of Corrections, proposes to enter into a multiyear agreement with ARAMARK Correctional Services, LLC to operate and manage the food service program at the District's Central Detention Facility and the Correctional Treatment Facility.

(b) The estimated total expenditure under this multiyear contract with ARAMARK Correctional Services, LLC is \$12,657,001.94.

(c) Approval is necessary to allow the District to receive the benefit of these vital services from ARAMARK Correctional Services, LLC.

(d) These critical services can only be obtained through an award of the multiyear contract with ARAMARK Correctional Services, LLC.

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 Contract No. CW18948 Emergency Approval Resolution of 2013 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-35

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 5, 2013

To approve, on an emergency basis, multiyear Contract No. CW18948 with ARAMARK Correctional Services, LLC to operate and manage the food service program at the District's Central Detention Facility and the Correctional Treatment Facility.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CW18948 Emergency Approval Resolution of 2013".

Sec. 2. Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)), the Council approves proposed Contract No. CW18948, a multiyear contract with ARAMARK Correctional Services, LLC to operate and manage the food service program at the District's Central Detention Facility and the Correctional Treatment Facility, in the amount of \$12,657,001.94 for the 3-year base term.

Sec. 3. Transmittal.

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

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 resolution shall take effect immediately.

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

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

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

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COUNCIL OF THE DISTRICT OF COLUMBIA	PROPOSED LEGISLATION
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BILLS

- | | |
|---|---|
| B20-95 | Smoking Restriction Amendment Act of 2013 |
| | Intro. 02-04-13 by Councilmembers Orange, Grosso, Graham and referred to the Committee on Transportation and the Environment with comments from the Committee on Health |
| <hr style="border-top: 1px dashed black;"/> | |
| B20-101 | Patient Protection Act of 2013 |
| | Intro. 02-05-13 by Chairman Mendelson and Councilmembers Barry, Evans, Grosso, Orange, Alexander, Bonds, Graham and McDuffie and referred to the Committee on Health |
| <hr style="border-top: 1px dashed black;"/> | |
| B20-102 | Public School Librarians, Art Teachers, Music Teachers, and Physical Education Teachers Act of 2013 |
| | Intro. 02-05-13 by Councilmember Evans and referred to the Committee on Education |
| <hr style="border-top: 1px dashed black;"/> | |
| B20-103 | Casey Tree Day Establishment Act of 2013 |
| | Intro. 02-05-13 by Councilmember Evans and referred to the Committee of the Whole |
| <hr style="border-top: 1px dashed black;"/> | |

BILLS con't

- B20-104 Ivy City Tour Bus Parking Restriction Amendment Act of 2013
Intro. 02-05-13 by Councilmembers Orange and Evans and is referring Section 2 of this legislation to the Committee on Transportation and Environment and Section 3 to the Committee on Education
-
- B20-105 Councilmembers Outside Employment Disclosure Act of 2013
Intro. 02-05-13 by Councilmember Orange and referred to the Committee on Government Operations
-
- B20-106 Fiscal Year 2013 Budget Adjustment Act of 2013
Intro. 02-05-13 by Councilmembers Barry, Orange, Graham, Bonds and McDuffie and referred to the Committee of the Whole
-
- B20-107 Charles and Hilda Mason's Elder Abuse Clarification and Expansion Act of 2013
Intro. 02-05-13 by Councilmembers Barry, Bonds, Alexander and Graham and referred to the Committee on Judiciary and Public Safety
-
- B20-108 Public Education School Closure and Consolidation Reform Amendment Act of 2013
Intro. 02-05-13 by Councilmember Barry and referred to the Committee on Education
-
- B20-109 Testing Integrity Act of 2013
Intro. 02-05-13 by Councilmembers Catania, Barry and Cheh and referred to the Committee on Education
-
- B20-110 Belmont Park Designation and Establishment Act of 2013
Intro. 02-05-13 by Councilmembers Catania, Evans and Cheh and referred to the Committee of the Whole
-
- B20-111 Nurse Safe Staffing Act of 2013
Intro. 02-05-13 by Councilmember Cheh and referred to the Committee on Health
-

BILLS con't

B20-112 False Claims Amendment Act of 2013

Intro. 02-05-13 by Councilmember Cheh and sequentially referred to the Committee on Judiciary and Public Safety and the Committee of the Whole

B20-113 Rent Control Hardship Petition Limitation Amendment Act of 2013

Intro. 02-05-13 by Councilmembers Graham and Barry and referred to the Committee on Economic Development

B20-114 Car Alarm Noise Prevention Amendment Act of 2013

Intro. 02-05-13 by Councilmember Graham and referred to the Committee on Transportation and the Environment

B20-115 Endangered Species Protection Act of 2013

Intro. 02-05-13 by Councilmember Graham and referred to the Committee on Judiciary and Public Safety

B20-116 Board of Ethics and Government Accountability Amendment Act of 2013

Intro. 02-05-13 by Councilmember McDuffie and referred to the Committee on Government Operations

B20-117 Prohibition on Government Employee Engagement in Political Activity Amendment Act of 2013

Intro. 02-05-13 by Councilmember McDuffie and referred to the Committee on Government Operations

B20-118 Marriage Officiant Amendment Act of 2013

Intro. 02-05-13 by Councilmembers Wells, Barry, Evans, Catania, Graham and Grosso and referred to the Committee on Judiciary and Public Safety

B20-119 Coal-Fired Power Prohibition Act of 2013

Intro. 02-05-13 by Councilmembers Wells, Graham, Barry, Grosso and Cheh and referred to the Committee on Government Operations with comments from the Committee on Transportation and the Environment

BILLS con't

- B20-120 Public Financing of Political Campaigns Amendment Act of 2013
Intro. 02-05-13 by Councilmembers Grosso and McDuffie and referred to the Committee on Government Operations
-
- B20-121 Special Election Fund Act of 2013
Intro. 02-05-13 by Councilmembers Bowser and McDuffie and referred to the Committee on Government Operations
-
- B20-122 Video Visitation Modification Act of 2013
Intro. 02-05-13 by Councilmembers Bowser, Evans, Graham and Barry and referred to the Committee on Judiciary and Public Safety
-
- B20-123 Cardiopulmonary Resuscitation and Automated External Defibrillator Requirements Amendment Act of 2013
Intro. 02-05-13 by Councilmembers Alexander, Evans, McDuffie, Barry, Bonds and Graham and sequentially referred to the Committee on Education and the Committee on Judiciary and Public Safety with comments from the Committee on Health
-
- B20-124 Income Based Homeownership Tax Abatement Amendment Act of 2013
Intro. 02-05-13 by Councilmembers Alexander, Barry and Evans and referred to the Committee on Finance and Revenue
-
- B20-125 Social Impact Financing Amendment Act of 2013
Intro. 02-05-13 by Councilmembers Alexander, Barry, Cheh, Evans and McDuffie and referred to the Committee of the Whole
-
- B20-126 Closing of Public Streets and Alleys and Elimination of Building Restriction Lines in and Abutting Squares 5641, N-5641, and S.O. 07-2117, Act of 2013
Intro. 02-06-13 by Councilmember Alexander and referred to the Committee of the Whole
-
- B20-127 Prescription Drug Monitoring Act of 2013
Intro. 02-07-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-

BILLS con't

B20-128 Medical Marijuana Cultivation Center Amendment Act of 2013

Intro. 02-08-13 by Councilmembers Alexander, Grosso, McDuffie, Barry, and Bonds and sequentially referred to the Committee on Health and the Committee on Judiciary and Public Safety

Proposed Resolutions

PR20-82 Sense of the Council in Supporting the Expansion of the Metrorail System Resolution of 2013

Intro. 02-05-13 by Councilmember Evans and referred to the Committee on Economic Development

PR20-83 Sense of the Council Supporting Mayor Gray's and Congresswoman Norton's Efforts to Maintain the FBI Headquarters in the District of Columbia Resolution of 2013

Intro. 02-06-13 by Councilmembers Orange and Evans and referred to the Committee of the Whole with comments from the Committee on Economic Development

PR20-84 Sense of the Council Clean Air Cities Resolution of 2013

Intro. 02-05-13 by Councilmember Cheh and retained by the Council

PR20-85 Justice Park Property Disposition Extension Approval Resolution of 2013

Intro. 02-05-13 by Chairman Mendelson and referred to the Committee on Economic Development

PR20-86 District of Columbia Taxicab Commission Gladys Mack Confirmation Resolution of 2013

Intro. 02-07-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

PR20-87 Walter Reed Army Medical Center Small Area Plan Approval Resolution of 2013

Intro. 02-07-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole with comments from the Committee on Economic Development

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

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

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

ANNOUNCES A PUBLIC HEARING ON

**BILL 20-35, THE "DOMESTIC VIOLENCE HOTLINE ESTABLISHMENT ACT
OF 2013"**

Monday, March 4, 2013

2pm

Room 123, John A. Wilson Building

1350 Pennsylvania Avenue, NW

Washington, D.C. 20004

Councilmember Tommy Wells, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing on Bill 20-35, the "Domestic Violence Hotline Establishment Act of 2013". The hearing will be held on Monday, March 4, 2013, beginning at 2:00 p.m. in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, DC 20004.

The purpose of this hearing is to receive public comments on Bill 20-35, which would establish require the Office of Victim Services to establish and provide a 24-hour, live-assistance, direct toll-free hotline to services for victims and potential victims of domestic violence.

The Committee invites the public to testify. Individuals and representatives of organizations who wish to testify should contact Tawanna Shuford at 724-7808 or tshuford@dccouncil.us, and furnish their name, address, telephone number, and organizational affiliation, if any, by 5 p.m. on Friday, March 1, 2013. Witnesses should bring 15 copies of their testimony. Testimony may be limited to 3 minutes for individuals and 5 minutes for those representing organizations or groups.

If you are unable to testify at the public hearing, written statements are encouraged and will be made part of the official record. Written statements should be submitted by 5 pm Thursday, March 14, 2013 to Ms. Shuford, Committee on the Judiciary and Public Safety, Room 109, 1350 Pennsylvania Ave., NW, Washington, DC, 20004, or via email at tshuford@dccouncil.us.

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

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

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

ANNOUNCES A PUBLIC HEARING ON

**BILL 20-60, THE "EYEWITNESS IDENTIFICATION PROCEDURES ACT OF 2013"
AND
BILL 20-73, THE "MUG SHOT ACCESS ACT OF 2013"**

Thursday, March 21, 2013

10:00 A.M.

**Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004**

Councilmember Tommy Wells, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing on Bill 20-60, the "Eyewitness Identification Procedures Act of 2013" and Bill 20-73, the "Mug Shot Access Act of 2013". The hearing will be held on Thursday March 21, 2013, beginning at 10:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, DC 20004.

The purpose of this hearing is to receive public comments on Bill 20-60 and Bill 20-73. Bill 20-60, the "Eyewitness Identification Procedures Act of 2013", would create and mandate an eyewitness identification process; codify best practices in identification procedures; mandate training of law enforcement in these best practices; require that identification procedures be documented and authorize discovery of these materials; and provide remedies for when an identification procedure is not in accordance with this law. Bill 20-73, the "Mug Shot Access Act of 2013", would require the Metropolitan Police Department to release photographs of arrested individuals to the public.

The Committee invites the public to testify. Individuals and representatives of organizations who wish to testify should contact Tawanna Shuford at 724-7808 or tshuford@dccouncil.us, and furnish their name, address, telephone number, and organizational affiliation, if any, by 5 p.m. on Tuesday, March 19, 2013. Witnesses should bring 15 copies of their testimony. Testimony may be limited to 3 minutes for individuals and 5 minutes for those representing organizations or groups.

If you are unable to testify at the public hearing, written statements are encouraged and will be made part of the official record. Written statements should be submitted by 5 pm Monday, April 1, 2013 to Ms. Shuford, Committee on the Judiciary and Public Safety, Room 109, 1350 Pennsylvania Ave., NW, Washington, DC, 20004, or via email at tshuford@dccouncil.us.

**Council of the District of Columbia
Committee on Business, Consumer, and Regulatory Affairs
Notice of Public Hearing**

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Suite 6 Washington, DC 20004

**COUNCILMEMBER VINCENT B. ORANGE, SR., CHAIR
ANNOUNCES A PUBLIC HEARING
OF THE COMMITTEE ON BUSINESS, CONSUMER AND
REGULATORY AFFAIRS
ON
B20-62, THE "LARGE RETAILER ACCOUNTABILITY ACT OF 2013"
WEDNESDAY, MARCH 20, 2013, 10:00 A.M
JOHN A. WILSON BUILDING, ROOM 500
1350 PENNSYLVANIA AVENUE, N.W.**

Councilmember Vincent B. Orange, Sr. announces the scheduling of a public hearing by the Committee on Business, Consumer, and Regulatory Affairs on B20-62, the "Large Retailer Accountability Act of 2013". The public hearing is scheduled for March 20, 2013 at 10:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Ave., NW.

B20-62, the "Large Retailer Accountability Act of 2013", proposes to establish standards for responsible business practices by large retailers by ensuring that they pay living wages and provide benefits.

Individuals and representatives of organizations who wish to testify at the public roundtable are asked to contact Faye Caldwell of the Committee on Business, Consumer, and Regulatory Affairs at (202) 727-6683 or by email at fcaldwell@dccouncil.us and provide their name(s), address, telephone number, email address and organizational affiliation, if any, by close of business Wednesday, March 13, 2013. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Wednesday, April 3, 2013. Copies of written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 6 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

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

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

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

ANNOUNCES A PUBLIC HEARING ON

BILL 20-118, THE "MARRIAGE OFFICIANT AMENDMENT ACT OF 2013"

Thursday, March 14, 2013

10:00 A.M.

**Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004**

Councilmember Tommy Wells, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing on Bill 20-118, the "Marriage Officiant Amendment Act of 2013". The hearing will be held on Thursday March 14, 2013, beginning at 10:00 a.m. in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, DC 20004. The purpose of this hearing is to receive public comments on Bill 20-118, which would establish the authority of a temporary marriage officiant to perform a marriage ceremony.

The Committee invites the public to testify. Individuals and representatives of organizations who wish to testify should contact Tawanna Shuford at 724-7808 or tshuford@dccouncil.us, and furnish their name, address, telephone number, and organizational affiliation, if any, by 5 p.m. on Tuesday, March 12, 2013. Witnesses should bring 15 copies of their testimony. Testimony may be limited to 3 minutes for individuals and 5 minutes for those representing organizations or groups.

If you are unable to testify at the public hearing, written statements are encouraged and will be made part of the official record. Written statements should be submitted by 5 pm Monday, March 25, 2013 to Ms. Shuford, Committee on the Judiciary and Public Safety, Room 109, 1350 Pennsylvania Ave., NW, Washington, DC, 20004, or via email at tshuford@dccouncil.us.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE ON EDUCATION
NOTICE OF PUBLIC OVERSIGHT HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004

ABBREVIATED/REVISED

CHAIRMAN PHIL MENDELSON
AND
COUNCILMEMBER DAVID CATANIA
COMMITTEE OF THE WHOLE AND THE COMMITTEE ON EDUCATION
ANNOUNCE A JOINT PUBLIC OVERSIGHT HEARING

on

TRUANCY REDUCTION IN THE D.C. PUBLIC SCHOOL SYSTEM

on

Monday, February 25, 2013
2:30 p.m., Hearing Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Council Chairman Phil Mendelson and Councilmember David Catania announce the scheduling of a Joint Public Oversight Hearing of the Committee of the Whole and the Committee on Education to discuss truancy reduction in the District of Columbia Public School System (DCPS). The public oversight hearing is scheduled for Monday, February 25, 2013 at 2:30 p.m., in hearing room 123 of the John A. Wilson Building. **This hearing notice has been abbreviated per D.C. Council Rule 421(c)(3) to reflect the rescheduling of the February 21, 2013 hearing to February 25, 2013.**

The purpose of this public oversight hearing is to hear testimony regarding the progress of DCPS and supporting agencies in responding to the problem of truancy, and to ascertain what the government ought to do to reduce truancy. Experience shows that many of the District's students with high rates of truancy will never finish school and, as a result, will most likely struggle to be productive adults. A similar hearing was held on July 12 and November 8, 2012, and the Committees will continue to hold these oversight hearings. Even though truancy is not exclusive to DCPS, this hearing will focus on efforts regarding DCPS students.

Testimony at this hearing is by invitation only. Questions may be directed to Ms. Renee Johnson, Legislative Assistant, at (202) 724-8092, by fax at (202) 724-7139, or via e-mail at rjohnson@dccouncil.us.

Written comments are encouraged and should be submitted to either Ms. Johnson, or to Ms. Nyasha Smith, Secretary to the Council, Room 5 of the Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004. To be most useful, written comments should be submitted no later than 5pm, on Tuesday February 19, 2013. Regardless, all statements will be made part of the official record. The record will close at 5:00 p.m. on Thursday, March 6, 2013.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR**

NOTICE OF OVERSIGHT ROUNDTABLE ON

Pedestrian and Bicycle Infrastructure and Safety

Monday, March 25, 2013
at 11:00 a.m.
in Room 500 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Monday, March 25, 2013, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public oversight roundtable on pedestrian and bicycle infrastructure and safety. The roundtable will begin at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on April 8, 2013.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR

NOTICE OF OVERSIGHT ROUNDTABLE ON

Study of a Waste-to-Energy Facility in the District

Monday, March 18, 2013
at 11:00 a.m.
in Room 500 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Monday, March 18, 2013, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public oversight roundtable on the study of a waste-to-energy facility in the District. The roundtable will begin at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W. **This notice is revised to reflect the correct date of the roundtable.**

In December 2012, the Mayor announced a \$300,000 Sustainable DC grant to the Department of Public Works for studying the costs and benefits of establishing a waste-to-energy facility in the District. This roundtable will afford the public an opportunity to comment on this initiative and will allow the Department of Public Works to discuss the process for this study and the District's long-term waste management plans.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on April 1, 2013.

**Council of the District of Columbia
Committee on Health
Notice of Public Oversight Roundtable
1350 Pennsylvania Ave., N.W., Washington, D.C. 20004**

**COUNCILMEMBER YVETTE M. ALEXANDER, CHAIRPERSON
COMMITTEE ON HEALTH ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE**

on

The District of Columbia Health Benefit Exchange Authority

**Thursday, February 28, 2013
12:00 p.m., Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

Councilmember Yvette M. Alexander, Chairperson of the Committee on Health, announces a public oversight roundtable on the implementation of the District of Columbia Health Benefit Exchange. The roundtable will be held at 12:00 p.m. on Thursday, February 28, 2013 in Room 120 of the John A. Wilson Building.

The purpose of this public oversight roundtable is to continue the public discussion of the District's Health Benefit Exchange Authority and its efforts to implement the Affordable Care Act, including, but not limited to, the Health Benefit Exchange Authority Executive Board's public outreach efforts, its market reform recommendations, the status of current stakeholder working groups, and the status of the Exchange's information technology framework.

Those who wish to testify should contact Melanie Williamson, Legislative Counsel, at (202) 741-2112 or via e-mail at mwilliamson@dccouncil.us and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Tuesday, February 26, 2013. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on Tuesday, February 26, 2013, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted either to Melanie Williamson, or to Nyasha Smith, Secretary to the Council, Room 5 of the Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004. The record will close at 5:00 p.m. on March 14, 2013.

**Council of the District of Columbia
COMMITTEE ON GOVERNMENT OPERATIONS
PUBLIC ROUNDTABLE NOTICE
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

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

ANNOUNCES A PUBLIC ROUNDTABLE ON

**PR20-0013 THE "OFFICE OF EMPLOYEE APPEALS NECOLA SHAW
CONFIRMATION RESOLUTION OF 2013"**

AND

**PR20-0014 THE "OFFICE OF EMPLOYEE APPEALS ALVIN GILBERT
DOUGLASS, JR. CONFIRMATION RESOLUTION OF 2013"**

**Monday February 25, 2013, 2:00pm
Room 120 John A. Wilson Building
1350 Pennsylvania Ave., NW
Washington, D.C. 20004**

On February 25, 2013 Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Government Operations, will convene a public roundtable on PR20-0013 the "Office of Employee Appeals Necola Shaw Confirmation Resolution of 2013" and PR20-0014 the "Office of Employee Appeals Alvin Gilbert Douglass, Jr. Confirmation Resolution of 2013." The roundtable will be held in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Ave, NW at 2:00PM.

The purpose of PR20-0013 and PR20-0014 is to confirm the Mayoral appointments of Ms. Necola Shaw and Mr. Alvin Gilbert Douglass, Jr. as members of the Office of Employee Appeals. The purpose of the roundtable is to receive testimony from government and public witnesses as to the fitness of the nominees for the position as members of the Office of Employee Appeals.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify at the roundtable should contact Mr. Ronan Gulstone, Committee Director at (202) 478-2456, or via e-mail at rgulstone@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business Thursday February 21, 2013. Representatives of organizations will be allowed a maximum of five (5) minutes for oral presentation and individuals will be allowed a maximum of three (3) minutes for oral presentation. Witnesses should bring 10 copies of their written testimony and if possible submit a copy of their testimony electronically to rgulstone@dccouncil.us.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted either to the Committee, or to Ms. Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. The record will close at the end of the business day on February 27, 2013.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR**

REVISED

NOTICE OF PUBLIC ROUNDTABLE ON

PR20-0028, the “District of Columbia Water and Sewer Authority Board of Directors Mr. Robert L. Mallett Confirmation Resolution of 2013 and PR20-0029, the District of Columbia Water and Sewer Authority Board of Directors Mr. Alan J. Roth Confirmation Resolution of 2013”

Friday, February 22, 2013
at 10:00 a.m.
in Room 123 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On February 22, 2013, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public Roundtable on PR20-0028, the District of Columbia Water and Sewer Authority Board of Directors Mr. Robert L. Mallett Confirmation Resolution of 2013 and PR20-0029, the District of Columbia Water and Sewer Authority Board of Directors Mr. Alan J. Roth Confirmation Resolution of 2013. The Roundtable will begin at 10:00 a.m. in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W. **This notice is revised to reflect the correct room.**

PR20-0028 and PR20-0029 would confirm Robert L. Mallett and Alan J. Roth as members of the Board of Directors of the District of Columbia Water and Sewer Authority, which is more commonly known as DC Water.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on March 8, 2013.

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

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

**Councilmember Tommy Wells, Chairperson
Committee on the Judiciary and Public Safety**

Announces a Public Roundtable on

PR20-52, the "Commission on Re-Entry and Returning Citizen Affairs Courtney A. Stewart Confirmation Resolution of 2013"

PR20-53, the "Commission on Re-Entry and Returning Citizen Affairs Marco E. Price-Bey Confirmation Resolution of 2013"

PR20-54, the "Commission on Re-Entry and Returning Citizen Affairs Debra G. Rowe Confirmation Resolution of 2013"

Monday, March 4, 2013

10:00 A.M.

Room 123, John A. Wilson Building

1350 Pennsylvania Avenue, NW

Washington, D.C. 20004

Councilmember Tommy Wells, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing on Proposed Resolution 20-52, the "Commission on Re-Entry and Returning Citizen Affairs Courtney A. Stewart Confirmation Resolution of 2013"; Proposed Resolution 20-53, the "Commission on Re-Entry and Returning Citizen Affairs Marco E. Price-Bey Confirmation Resolution of 2013"; and Proposed Resolution 20-54, the "Commission on Re-Entry and Returning Citizen Affairs Debra G. Rowe Confirmation Resolution of 2013". The roundtable will be held on Monday, March 4, 2013, beginning at 10:00 a.m. in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, DC 20004.

The purpose of this roundtable is to receive public comment on the Mayor's nomination of three individuals to serve on the Commission on Re-Entry and Returning Citizens Affairs.

The Committee invites the public to testify. Individuals and representatives of organizations who wish to testify should contact Tawanna Shuford at 724-7808 or tshuford@dccouncil.us, and furnish their name, address, telephone number, and organizational affiliation, if any, by 5 p.m. on Friday, March 1, 2013. Witnesses should bring 15 copies of their testimony. Testimony may be limited to 3 minutes for individuals and 5 minutes for those representing organizations or groups.

If you are unable to testify at the public roundtable, written statements are encouraged and will be made part of the official record. Written statements should be submitted by 5 pm Thursday, March 14, 2013 to Ms. Shuford, Committee on the Judiciary and Public Safety, Room 109, 1350 Pennsylvania Ave., NW, Washington, DC, 20004, or via email at tshuford@dccouncil.us.

COUNCIL OF THE DISTRICT OF COLUMBIA
The Wilson Building

NOTICE OF CONTRACT DISAPPROVAL RESOLUTION

The Council of the District of Columbia gives notice that the resolution listed below to disapprove CA 20-13, proposed contract modification to exercise Option Year one (1) with American Traffic Solutions, Inc. in the amount of \$6,599,942.60 to provide support and maintenance services for the existing Automated Traffic Safety Enforcement (ATSE) System was filed on February 1, 2013.

A copy of the disapproval resolution or the proposed contract is available in the Council's Legislative Services, Room 10, John A. Wilson Building. Telephone: 724-8050. Comments on the proposed contract can be addressed to the Secretary to the Council, Room 5.

PR 20-88: Proposed Contract Modification to Exercise Option Year One with Automated Traffic Solutions, Inc., Disapproval Resolution of 2013

**COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests**

Pursuant to DC Official Code Sec 47-361 et seq. of the Reprogramming Policy Act of 1990, the Council of the District of Columbia gives notice that the Mayor has transmitted the following reprogramming request(s)

A reprogramming will become effective on the 15th day after official receipt unless a Member of the Council files a notice of disapproval of the request which extends the Council's review period to 30 days. If such notice is given, a reprogramming will become effective on the 31st day after its official receipt unless a resolution of approval or disapproval is adopted by the Council prior to that time.

Comments should be addressed to the Secretary to the Council, Room 5, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. Copies of reprogramming requests are available in Legislative Services, Room 10. Telephone: 724-8050

Reprog. 20-13: Request to reprogram \$832,788 of Local Funds Budget Authority from the Non-Departmental Account to the Board of Elections (BOE) was filed in the Office of the Secretary on February 7, 2013. This reprogramming ensures that BOE will be able to support the April 23, 2013 combined At-Large Councilmember Special Election and "Charter Amendment: Local Budget Authority" Referendum.

RECEIVED: 14 day review began February 8, 2013

Reprog. 20-14: Request to reprogram \$1,555,000 of Local Funds Budget Authority within the Office of the State Superintendent of Education (OSSE) was filed in the Office of the Secretary on February 8, 2013. This reprogramming ensures that OSSE will be able to administer and report the results of the 2012 Youth Risk Behavior Survey; to cover cost of the District of Columbia Assessment System and project management and consulting services for the new Wellness and Nutrition project – Nutrition Services and Claims Processing System; and to purchase general office supplies.

RECEIVED: 14 day review began February 11, 2013

Reprog. 20-15: Request to reprogram \$1,075,000 of Capital Funds Budget Authority and Allotment from the Washington Metropolitan Area Transit Authority (WMATA) TO THE District Department of Transportation (DDOT) was filed in the Office of the Secretary on February 8, 2013. This reprogramming will support the cost of conducting an engineering and traffic study of the Maryland Avenue SW corridor.

RECEIVED: 14 day review began February 11, 2013

Reprog. 20-16: Request to reprogram \$1,065,000 of Capital Funds Budget Authority and Allotment within the Department of Housing and Community Development and from the Department of Parks and Recreation was filed in the Office of the Secretary on February 8, 2013. This reprogramming is needed to support the additional cost of developing the Eastgate HOPE IV project, also known as Glencrest.

RECEIVED: 14 day review began February 11, 2013

Reprog. 20-17: Request to reprogram \$5,399,411 of Fiscal Year 2013 Local Funds Budget Authority within the Department of Employment Services (DOES) was filed in the Office of the Secretary on February 8, 2013. This reprogramming ensures DOES will be able to align its budget authority to the levels required to meet programmatic needs.

RECEIVED: 14 day review began February 11, 2013

Reprog. 20-18: Request to reprogram \$500,000 of Fiscal Year 2013 Special Purpose Revenue Funds Budget Authority from the Office of the Chief Financial Officer (OCFO) to the Office of the Chief Technology Officer (OCTO) was filed in the Office of the Secretary on February 8, 2013. This reprogramming supports a Memorandum of Understanding between the D.C. Retirement Board (DCRB) and OCTO to cover the acquisition of PeopleSoft-related services.

RECEIVED: 14 day review began February 11, 2013

Reprog. 20-19: Request to reprogram \$1,029,310 of Fiscal Year 2013 Local Funds Budget Authority within the Office of the State Superintendent of Education (OSSE) was filed in the Office of the Secretary on February 8, 2013. This reprogramming ensures that OSSE's Blackman Jones fund budget aligns with the actual spending needs of the program.

RECEIVED: 14 day review began February 11, 2013

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, FEBRUARY 20, 2013
2000 14TH STREET, N.W., SUITE 400S,
WASHINGTON, D.C. 20009

Ruthanne Miller, Chairperson
Members:

Nick Alberti, Donald Brooks, Herman Jones, Mike Silverstein

Show Cause Hearing (Status) Case # 12-PRO-00087; Quang V. Le, t/a Le Liquors, 1776 Columbia Road NW License #90659, Retailer A, ANC 1C	9:30 AM
New Application	
Show Cause Hearing (Status) Case # 11-251-00162; Jasper Ventures, LLC, t/a Capitale (formerly K Street) 1301 K Street NW, License #72225, Retailer CN, ANC 2F	9:30 AM
Failed to Follow Security Plan, Interfered with an Investigation, Allowed the Establishment to be Used for an Unlawful or Disorderly Purpose, Sale to Minor, Failed to Take Steps Necessary to Ascertain Legal Drinking Age	
Show Cause Hearing (Status) Case # 12-CC-00087; SJA Foods, Inc., t/a 7 Food Store, 1830 Benning Road NE, License #60663, Retailer B, ANC 5D	9:30 AM
Sale to Minor	
Show Cause Hearing (Status) Case # 12-AUD-00041; Sami Restaurant, LLC, t/a Bistro 18, 2420 18th Street NW, License #86876, Retailer CR, ANC 1C	9:30 AM
Failed to File Quarterly Statements (1st Quarter 2012)	
Show Cause Hearing (Status) Case # 12-CMP-00472; Kartik, Incorporated, t/a New York Liquors, 1447 Maryland Ave NE, License #76234, Retailer A, ANC 6A	9:30 AM
Sold Go-Cups	
Show Cause Hearing (Status) Case # 12-AUD-00046; Café Japone Limited Partnership, t/a Café Japone 2032 P Street NW, License #10581, Retailer CR, ANC 2B	9:30 AM
Failed to File Quarterly Statements (2nd Quarter 2012)	
Show Cause Hearing (Status) Case # 12-CMP-00458; Ruby Tuesday, Inc., t/a Ruby Tuesday #5320 3365 14th Street NW, License #75456, Retailer CR, ANC 1A	9:30 AM

Board's Calendar
Page -2- February 14, 2013
No ABC Manager on Duty

Show Cause Hearing (Status) 9:30 AM
Case # 12-CMP-00345; Eatonville Inc., t/a Eatonville, 2121 14th Street NW
License #78882, Retailer CR, ANC 1B
Failed to Make a Copy of Voluntary Agreement Immediately Accessible,
Failed to Post ABC Window Lettering in a Conspicuous Place

Fact Finding Hearing 9:30 AM
Pub Crawl; Date of Event: March 9, 2013, Applicant(s):David Lindenauer,
on behalf of Lindy Promotions, Event Name: 11th Annual Leprechaun Lap
The names of the establishments participation in the Pub Crawl are available upon request.

Show Cause Hearing 10:00 AM
Case # 12-AUD-00025 and # 12-AUD-00025(a); Jose A. Carcamo and Maria R. Carcamo, t/a El Sauce Restaurant and Carry-Out, 1227 11th Street NW
License #72654. Retailer DR, ANC 2F
Failed to File Quarterly Statements (1st Quarter 2009, 4th Quarter 2009, 2nd Quarter 2011, and 4th Quarter 2011)

Show Cause Hearing 10:00 AM
Case # 11-CMP-00370; Yonas, Inc., t/a Corner Market, 1447 Howard Road SE
License #86200, Retailer A, ANC 8A
Failed to Frame and Post the License in a Conspicuous Place, Failed to Post ABC Window Lettering in a Conspicuous Place, Failed to Post Pregnancy Sign, Failed to Post Current Legal Drinking Age Notice

Show Cause Hearing 11:00 AM
Case # 12-CMP-00209; 2408 Wisconsin, Ave, LLC, t/a Mason Inn
2408 Wisconsin Ave NW, License #79644, Retailer CR, ANC 3B
Noise Violation

BOARD RECESS AT 12:00 PM
ADMINISTRATIVE AGENDA
1:00 PM

Fact Finding Hearing 1:30 PM
Mexican Café Inc., t/a Margaritas Restaurant; 2317 Wisconsin Ave NW
License #16488, Retailer CR, ANC 3B

Update from Licensee regarding the intent to sell or transfer the license
Show Cause Hearing 2:30 PM
Case # 12-CMP-00225; Red Line D.C., LLC, t/a Red Line, 707 G Street NW
License #85225, Retailer CR, ANC 2C
Failed to Obtain Importation Permits, Failed to Maintain Books and Records, Transfer of Ownership Without Board Approval

Board's Calendar

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Show Cause Hearing

3:30 PM

Case # 12-CMP-00231; Rose's Dream, Inc., t/a Rose's Dream, 1370 H Street NE, License #87032, Retailer Caterer, ANC 6A

Catering License Violation, Establishment accepted gift, Failed to provide invoices for purchased food

Show Cause Hearing

4:30 PM

Case # 12-AUD-00026(a) and # 12-CMP-00281; Amde Sofenias, t/a Queen Makeda, 1917 9th Street NW, License #60510, Retailer CR, ANC 1B

Failed to File Quarterly Statements (4th Quarter 2011), Operating After Board Approved Hours, No ABC Manager on Duty

***CORRECTION**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: February 1, 2013
 Petition Date: March 18, 2013
 Hearing Date: April 1, 2013

License No.: ABRA-089718
 Licensee: Hanks on the Hill, LLC
 Trade Name: Hanks Oyster Bar
 License Class: Retailer’s Class “C” Restaurant
 Address: 633 Pennsylvania Avenue SE
 Phone: Andrew Kline 202-686-7600

WARD 6 ANC 6B *SMD 6B02

Notice is hereby given that this licensee who has applied for a substantial change to his license under the D.C. Alcoholic Beverage Control Act and that objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, NW, Washington, DC, 20009. A petition or request to appear before the Board must be filed on or before the petition date.

LICENSEE REQUESTS THE FOLLOWING SUBSTANTIAL CHANGE TO THE HOURS OF PREMISES AND SIDEWALK CAFÉ:

Change of Hours to extend the Hours of Operations to the interior and the Sidewalk Cafe.

CURRENT HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES/CONSUMPTION INTERIOR AND THE SIDEWALK CAFE:

Sunday through Saturday 11:30 am – 12 am

PROPOSED HOURS OF OPERATIONS/AND HOURS OF ALCOHOLIC BEVERAGE SALES/CONSUMPTION INTERIOR AND SIDEWALK:

Sunday through Thursday 11:00 am to 2: 00 am Friday & Saturday 11:00 am to 3:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: February 15, 2013
Petition Date: April 1, 2013
Hearing Date: April 15, 2013

License No.: ABRA-089818
Licensee: Roc Bar, LLC
Trade Name: Roc Bar
License Class: Retailer's Class "C" Tavern
Address: 1426 L Street, NW
Contact: Emanuel Mpas 703-642-9042

WARD 2

ANC 2F

SMD 2F03

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

Applicant requests to expand alcohol services to the 3rd floor. Currently, has operation on the 1st & 2nd floor.

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

Sunday through Thursday 11 am 2 am and Friday & Saturday 11 am – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: February 15, 2013
Petition Date: April 1, 2013
Hearing Date: April 15, 2013

License No.: ABRA-087302
Licensee: Filo 401, LLC
Trade Name: Tel'veh Café & Wine Bar
License Class: Retailer's Class "C" Tavern
Address: 401 Massachusetts Ave., NW
Contact: Omer Baskapan 571-723-7518

WARD 6

ANC 6E

SMD 6E05

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

Applicant requests to increase the inside seating capacity from 34 seats to 69 seats with an occupancy load of 99.

CURRENT HOURS OF OPERATION

Sunday through Thursday 7 am 2 am and Friday & Saturday 7 am – 3 am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday 10 am – 2 am, Monday through Thursday 8 am – 2 am and Friday and Saturday 8 am – 3 am

***CORRECTION**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: February 8, 2013
Petition Date: March 25, 2013
Roll Call Hearing Date: April 8, 2013

License No.: ABRA - 091391
Licensee: Walgreen Co.
Trade Name: Walgreens # 15360
License Class: Retailer’s Class “B”
Address: 801 7th Street N.W.
Contact: Stephen J. O’Brien 202-625-7700

WARD 2C

ANC 2C

SMD 2C01

*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.

NATURE OF OPERATION

This is a Retailer’s Class “B” store offering a full range of fresh, frozen and canned food products and beverages, pharmaceuticals, household goods, and personal care products. This license is being transferred to a new location from 1217 22nd Street NW.

HOURS OF OPERATION

Sunday – Saturday 24 Hours

HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday – Saturday 7 am to 12 am

DC DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**FY14 Consolidated Annual Action Plan Community Needs Assessment Hearings**

Michael P. Kelly, Director of the Department of Housing and Community Development (DHCD), announces a series of public hearings on “Housing and Community Development Needs in the District of Columbia”. The hearing will help form a basis for developing the District’s draft “*Consolidated Plan for the District of Columbia Fiscal Year 2014 Action Plan*” and the spending priorities utilizing federal entitlement funds. DHCD, the Department of Human Services and the Department of Health will each provide input into the plan.

Residents and stakeholders are strongly encouraged to come out and participate in the development of policies and programs in the following areas: **1)** affordable housing; **2)** special needs housing; **3)** homelessness; **4)** homeownership; and, **5)** community development and public service activities. The Department is also interested in receiving community feedback on innovative strategies to enhance community participation during this planning process.

SCHEDULED PUBLIC HEARINGS:**Wednesday, March 13, 2013 ~ 6:30 pm**

1800 Martin Luther King Jr, Avenue, SE, 1st Floor Conference Room

Tuesday, March 26, 2013 ~ 6:30 pm

Frank D. Reeves Municipal Building
2000 14th Street, NW, 2nd Floor Community Room

Wednesday, March 27, 2013 ~ 1:00 pm**Focus: Special Needs Housing**

(includes housing needs for the homeless, persons with disabilities and persons living with AIDS)
1800 Martin Luther King Jr, Avenue, SE, 1st Floor Conference Room

Thursday, March 28, 2013 ~ 6:30 pm

The Bishop Alfred A. Owens Jr. Family Life Community Center
605 Rhode Island Avenue, NE

District of Columbia residents who would like to present oral testimony are encouraged to register in advance either by e-mail at DHCD.EVENTS@dc.gov or by calling 202.442.7200. Please provide your name, address, telephone number, and organization affiliation, if any.

Telecommunications Device for the Deaf (TDD) relay service is available by calling (800) 201-7165. A sign language interpreter will be provided upon request by calling (202) 442-7251 five days prior to the hearing date.

Residents who require language interpretation should specify which language (Spanish, Vietnamese, Chinese-Mandarin/Cantonese, Amharic, or French). Interpretation services will be provided to pre-registered persons only. Deadline for requesting services of an interpreter is five days prior to the hearing date. Bilingual staff will provide services on an availability basis to walk-ins without registration.

Written statements may be submitted for the record at the hearing, or until close of business, Friday, April 12, 2013. Mail written statements to: Michael P. Kelly, Director, DHCD, 1800 Martin Luther King Jr., Avenue, SE, Washington, DC 20020.

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

TIME AND PLACE: **Thursday, April 11, 2013, @ 6:30 P.M.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 13-03 (Forest City SEFC, LLC – SEFC Overlay Review of three temporary parking lots (Parcels H/I, L & Q)(Sq. 744, Lot 806; Sq. 771, Lot 800; and Parcel Q) (the “Property”))

THIS CASE IS OF INTEREST TO ANC 6D

On January 31, 2013, the Office of Zoning received an application from Forest City SEFC, LLC (the “Applicant”) on behalf of the United States of America, through the General Services Administration, owner of the Property. As permitted by § 1803.2 (o) of the Zoning Regulations (Title 11 DCMR), the Applicant is requesting review and approval to use three temporary parking lots for five years pursuant to the standards set forth in the Southwest Federal Center Overlay District at 11 DCMR § 1808.

The Property is located within The Yards site, which is bounded by the following: M Street S.E. and Tingey Street, S.E. to the north, 1st Street, S.E. to the west, the existing Washington Navy Yard to the east, and the Anacostia River to the south. A District of Columbia Water and Sewer Authority Pumping Station facility lies adjacent to the south and west sides of the Yards’ site. The Property is currently zoned SEFC/CR, SEFC/R-5-E, and SEFC/R-5-D, all districts in which temporary parking lots are permitted for a maximum period of five years after review and approval by the Commission.

1. “Parcel H/I” is located along the south side of N Street, S.E. between 1st and Canal Streets, S.E., on two parcels of land on Lot 806 in Square 744 and consists of approximately 126,880 square feet. This parcel is zoned SEFC/CR. This parcel was approved in Z.C. Order No, 07-17 (May 12, 2008) for 424 parking spaces and currently provides 394 parking spaces. The Applicant requests permission to renew the approval of the use of this parcel as a temporary parking lot for a term of five years.

2. “Parcel L” is located on the southeast corner of Tingey Street, S.E. and 2nd Street, S.E. on Lot 800 in Square 771 and consists of approximately 69,385 square feet. This parcel is zoned SEFC/R-5-E. This parcel currently provides 196 parking spaces, but no prior Zoning Commission approval was granted. The Applicant requests permission to use this parcel as a temporary parking lot for a term of five years.

2. “Parcel Q” is located along Water Street, between 4th Street, S.E. and 5th Street, S.E. and consists of approximately 90,377 square feet. This parcel is zoned SEFC/R-5-D. This parcel was approved in Z.C. Order No, 07-17 (May 12, 2008) for 236 parking spaces but has not yet been

Z.C. PUBLIC HEARING NOTICE
Z.C. CASE NO. 13-03
PAGE 2

constructed. The Applicant requests permission to renew the approval of the use of this parcel as a temporary parking lot for a term of five years.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations 11 DCMR § 3022.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person’s interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning’s website at: <http://dcoz.dc.gov/services/app.shtm>.** This form may also be obtained from the Office of Zoning at the address stated below.

Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusions in the record.

If an affected Advisory Neighborhood Commission (ANC), pursuant to 11 DCMR 3012.5, intends to participate at the hearing, the ANC shall also submit the information cited in § 3012.5 (a) through (i). The written report of the ANC shall be filed no later than seven (7) days before the date of the hearing.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- | | | |
|----|----------------------------------|-------------------------|
| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition | 60 minutes collectively |
| 3. | Organizations | 5 minutes each |
| 4. | Individuals | 3 minutes each |

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Information should be forwarded to the Director, Office of Zoning, Suite 200-S, 441 4th Street, N.W., Washington, D.C. 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, MARCIE I. COHEN, ROBERT E. MILLER, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

DISTRICT OF COLUMBIA RETIREMENT BOARD**NOTICE OF FINAL RULEMAKING**

The District of Columbia Retirement Board (“DCRB”), pursuant to the authority set forth in Section 121(e) of the District of Columbia Retirement Reform Act (“Reform Act”), approved November 17, 1979 (Pub. L. 96-122, 93 Stat. 866, D.C. Official Code § 1-711(e)(2011 Repl.)) and § 12(j)(c)(5) of the Policemen and Firemen’s Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718, D.C. Official Code § 5-714(c)(5)(2008 Repl.)), hereby gives notice of the adoption of final rulemaking to add Chapter 17 of Title 7 of the District of Columbia Municipal Regulations (“DCMR”). The purpose of the final rule is to explain the annual income review conducted by DCRB for disability annuitants under the District of Columbia Police Officers and Firefighters’ Retirement Plan and the District of Columbia Teachers’ Retirement Plan.

DCRB stated its intent to adopt the proposed rule as final in the Notice of Proposed Rulemaking published in the *D.C. Register* on December 14, 2012 at 59 DCR 014827. No comments were received and no substantive changes were made to the proposed rulemaking. These rules will become final upon publication in the *D.C. Register*.

CHAPTER 17**DISTRICT OF COLUMBIA RETIREMENT BOARD BENEFITS
ADMINISTRATION RULES**

Chapter 17 of Title 7 of the DCMR is added as follows:

1700 PURPOSE AND GOVERNANCE

1700.1 In accordance with Section 121(a) of the District of Columbia Retirement Reform Act, as amended, Public Law 96-122 (codified at D.C. Official Code § 1-711(a) (2011 Repl.)), the District of Columbia Retirement Board (DCRB) has exclusive authority and discretion to manage and control the District of Columbia Police Officers and Fire Fighters’ Retirement Fund (Police and Fire Retirement Fund) and the District of Columbia Teachers’ Retirement Fund (Teachers’ Retirement Fund) and to implement and administer the retirement program for the District of Columbia police officers, firefighters and teachers. DCRB is also authorized to issue rules for the management and administration of the retirement program.

1701 ANNUAL INCOME REVIEW

1701.1 Annual Income Review for Teacher Disability Annuitants. Any teacher disability annuitant who retired under D.C. Code Official Code § 38-2021.04(a) (2001 Ed.) and who has not reached voluntary retirement age

as defined in D.C. Official Code § 38-2021.03 (2001 Ed.) must file annually by May 15th with DCRB a notarized statement of employment and earnings and any additional information as requested by DCRB to verify employment income beginning for the first calendar year after retirement up to and including the calendar year in which the annuitant reaches voluntary retirement age.

- 1701.2 Annual Income Review for Police Officer and Firefighter Disability Annuitants Under Age 50. Any police officer or firefighter annuitant who was hired on or after February 15, 1980, retired under D.C. Official Code § 5-709 or § 5-710 (2008 Repl.), and who is under age fifty (50), must file annually by May 15th with DCRB a notarized statement of employment and earnings and any additional information as requested by DCRB to verify employment income beginning for the first calendar year after retirement up to and including the calendar year in which the annuitant reaches age 50.
- 1701.3 Notarized Annual Earnings Statement. DCRB will notify annuitants at the beginning of each of calendar year if they are required to file an annual income report, what they must file, when they must file, and the penalty for failure to file. Information required to be filed may include, but is not limited to, tax returns, Forms W-2 and 1099, proof of non-filing of a tax return or extension of time to file a tax return. After review of the initial filing, annuitants may be required to file additional notarized statements and information.
- (a) Any refusal or willful failure to timely submit the required annual income report will result in the disability annuity being stopped until DCRB receives all the information requested. The annuitant will not be eligible to receive an annuity or any portion of an annuity for the period beginning on the date after the final day for timely filing the annual income report (May 16th) and ending on the date on which DCRB receives all the required information. The annuitant must return any overpayments to DCRB. DCRB may recoup overpayments by offsetting any reinstated annuity or other annuity entitlement.
 - (b) Any willful submission of materially false income information will result in forfeiture of the disability annuity.
- 1701.4 Due Process Rights. DCRB will determine continued entitlement to the disability annuity on the basis of the annual income review. Prior to any annuity termination, reduction or offset, DCRB will inform the annuitant of its decision in writing and the annuitant's due process rights in accordance with D.C. Official Code § 1-751 (2011 Repl.).

1701.5 Restoration to Earning Capacity for Teacher Disability Annuitants and Annuity Termination.

- (a) If a teacher disability annuitant who is subject to the annual income review in § 1701.1 has earned income from wages or self-employment or both during that calendar year equal to at least 80 percent of the current pay rate for the position occupied immediately before retirement, the annuitant's earning capacity is restored. DCRB will terminate the disability annuity on January 1 of the following calendar year in which earning capacity was restored. The annuitant must return any overpayments to the Teachers' Retirement Fund. DCRB may recoup overpayments by offsetting any reinstated annuity or other annuity entitlement.
- (b) A terminated disability annuity will be reinstated at the same rate in effect when it was terminated on January 1 of any year following a calendar year during which an annuitant's earning capacity falls below the 80 percent earnings limit, or sooner as DCRB determines administratively practicable, if the annuitant has not reached voluntary retirement age and has not recovered from his/her disability and has not been reappointed to a position that is equal or similar to the one occupied at retirement.
- (c) An annuitant who has not reached voluntary retirement age may file a request for reinstatement of a terminated disability annuity, as instructed by DCRB, any time after one full year elapses during which his or her earning capacity falls below the 80 percent earnings limit.
- (d) An annuitant whose disability annuity has been terminated and not restored prior to reaching voluntary retirement age may request a deferred retirement annuity or a refund of any remaining employee contributions. A deferred retirement annuity election or refund of employee contributions bars any restoration of a terminated disability annuity.

1701.6 Restoration to Earning Capacity for Police Officer and Firefighter Disability Annuitants Under Age 50 and Annuity Termination.

- (a) If, in any calendar year after the annuitant's year of retirement, a police officer or firefighter disability annuitant who is subject to the annual income review in § 1701.2, has earned income from wages or self-employment or both equal to at least 80 percent of the current compensation rate for the position occupied immediately before retirement, the annuitant's earning capacity is restored. DCRB will stop the disability annuity payment forty-five

(45) days from the date of the written determination that earning capacity has been restored. The annuitant must return any overpayments to the Police and Fire Retirement Fund. DCRB may recoup overpayments by offsetting any reinstated annuity or other annuity entitlement.

- (b) A terminated disability annuity will be reinstated on January 1 of any year following a calendar year during which an annuitant's earning capacity falls below the 80 percent earnings limit if the annuitant is under age 50 and has not recovered from his/her disability and has not been reemployed in the department from which he/she retired at the same or equivalent grade or rank held at retirement.
- (c) An annuitant who is under age 50 may also file a request for reinstatement of a terminated disability annuity, as instructed by DCRB, any time after one full year elapses during which his or her earning capacity falls below the 80 percent earnings limit.
- (d) An annuitant whose disability annuity has been terminated and not reinstated prior to age 50 may request a deferred retirement annuity or a refund of any employee contributions. The election of a deferred retirement annuity or refund of employee contributions bars any restoration of a terminated disability annuity.

1701.7 Annuity Reduction for Police Officer and Firefighter Disability Annuitants Under Age 50.

- (a) If DCRB determines that a police officer or firefighter disability annuitant who is subject to the annual income review in § 1701.2 has income in any calendar year after the annuitant's year of retirement from wages or self-employment or both during that calendar year in excess of the difference between 70 percent of the earnings limit and the disability annuity, the annuitant's disability annuity will be reduced by \$.50 for each \$1 of income received in excess of the difference during that calendar year.
- (b) If income from wages or self-employment or both during that calendar year is in excess of the difference between 100 percent of the earnings limit and the disability annuity, the disability annuity will be further reduced by \$.20 for each \$1 of income received in excess of the difference during that calendar year.
- (c) Reductions will begin after the end of the calendar year under review as soon as administratively practicable as determined by DCRB and will be prorated equally over twelve (12) consecutive

months. The annuitant must return any overpayments to the Police and Fire Retirement Fund. DCRB may recoup overpayments by offsetting the reduced or reinstated annuity or other annuity entitlement.

- (d) For purposes of this § 1701.7, the earnings limit is the greater of:
 - (A) the current salary of the position occupied immediately before retirement, or
 - (B) the current entry salary for active members divided by .70.
- (e) A reduced annuity will be reinstated in whole or in part, as determined by DCRB, as soon as administratively practicable if the annuitant's income from wages or self-employment or both is less than the earnings limit for any full calendar year and the annuitant is under age 50. A reduced annuity that is not reinstated in whole or in part prior to the annuitant reaching age 50 will continue to be paid at its reduced rate.
- (f) An annuitant who is under age 50 may file a request for reinstatement of a reduced annuity, as instructed by DCRB, any time after one full year elapses during which his or her earned income falls below the earnings limit in § 1701.7(d).
- (g) Any annuity reduction under this § 1701.7 may be waived by DCRB, if it determines, in its discretion, a waiver is reasonably practicable and the annuitant is without fault. Principles of equity and good conscience will be considered. An annuitant may request a waiver as instructed by DCRB.

1701.8 Current Rate of Pay for the Position Occupied Immediately Before Retirement.

- (a) A disability annuitant's earned income for a calendar year is compared to the gross annual rate of basic pay in effect on December 31 of that year for the position occupied immediately before retirement. The earned income for disability annuitants is based on the rate for the grade and step which reflects the total amount of basic pay (both the grade and step and any additional basic pay) in effect on the date of retirement.
- (b) Income. The total amount of income from all sources is used to determine earning capacity (see definition of earned income in § 32(c)(2) of the Internal Revenue Code). This includes income received as gross wages from employers, net earnings from self-

employment, and deferred income that is earned in a calendar year. In determining an annuitant's income for a calendar year, the following apply:

- (1) Income is from two sources: wages and self-employment. All income that is subject to Federal employment taxes (i.e., Social Security or Medicare taxes) or self-employment taxes is earned income.
 - (2) Only income earned from personal work efforts or services is considered in determining earning capacity. All forms of non-work-related unearned income are excluded (e.g., pensions, inheritances, investment interest/dividends not related to self-employment).
 - (3) For determining annual income from wages or self-employment or both, income is earned in the calendar year the annuitant actually renders the personal work effort or service and either actually or constructively receives the remuneration.
 - (4) Income includes any District of Columbia salary offset amount.
 - (5) Income earned by a spouse is not included.
- (c) Wages. This term means the gross amount of all remuneration for services performed by an employee for his or her employer before any deductions or withholdings.
- (d) Self-Employment Income.
- (1) This term means remuneration that is received as an independent contractor, either as
 - (A) a sole proprietor;
 - (B) a professional in one's own practice; or
 - (C) a member of a partnership or corporation and regardless of whether the business entity is operated for profit.
 - (2) "Net earnings" from self-employment means gross revenue of the business from all sources before any other deductions or withholdings, minus

- (A) allowable business expenses;
- (B) any job-connected disability expenses; and
- (C) any return from investment allowance.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in D.C. Official Code § 47-2853.10 (a)(12)(2005 Repl.), Mayor’s Order 2000-70, dated May 2, 2000, and Mayor’s Order 2009-11, dated February 2, 2009, hereby gives notice of the intent to adopt, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, amendments to Title 17 (Business, Occupations and Professions), Chapter 26 (Real Estate Licenses) and Chapter 27 (Real Estate Practice and Hearings) of the District of Columbia Municipal Regulations.

This proposed rulemaking would amend the continuing education requirements for individuals seeking to renew an inactive license or reinstate an expired, suspended, or revoked license to practice as a real estate broker, real estate salesperson, or property manager; repeal a restriction on the use of nicknames in advertisements; allow for the Real Estate Commission’s approval of distance learning courses for pre-license education and mandatory continuing education requirements; address cheating by applicants on examinations; and correct the stated amount of the maximum assessment for the Real Estate Guaranty and Education Fund.

Title 17, BUSINESS, OCCUPATIONS AND PROFESSIONS, of the District of Columbia Municipal Regulations (DCMR) is amended as follows:

Chapter 26, REAL ESTATE LICENSES, is amended as follows:

Section 2602, LICENSURE OF REAL ESTATE SALESPERSONS, is amended by adding a new Subsection 2602.7 to read as follows:

2602.7 An applicant may satisfy the pre-license education requirements by taking distance learning courses that have been approved by the Commission pursuant to § 2606.14 of this chapter.

Section 2604, REGISTRATION AND CERTIFICATION OF RESIDENT PROPERTY MANAGER [REPEALED], is amended to read as follows:

2604 CHEATING ON AN EXAMINATION

2604.1 No person shall cheat or assist another in cheating on an examination required by the Act or rules promulgated pursuant thereto.

2604.2 As used in this section, “cheating” includes, but is not limited to, the following:

- (a) Communication relating to the examination between applicants inside or outside of an examination room or copying another applicant’s answers while an examination is in progress;

- (b) Communication relating to an examination with others outside of an examination room while the examination is in progress;
- (c) Substitution by an applicant of another person to sit in an examination room in the applicant's place; and
- (d) Use of crib sheets, text books, or other materials not authorized by a board inside or outside an examination room while an examination is in progress.

2604.3 If a person designated to proctor an examination suspects that an applicant is cheating or has cheated on the examination, the person shall do the following:

- (a) If necessary, seat the applicant in a segregated location for the remainder of the examination;
- (b) Keep a record of the applicant's seat location and identification number, and the names and identification numbers of the applicants on either side of the applicant;
- (c) Confiscate any materials or devices that are suspected of being used by the applicant to cheat on the examination;
- (d) Permit the applicant to complete the examination; and
- (e) Notify the testing service, the Commission, and the Director that the applicant is suspected of cheating and provide the Commission with a copy of the examination booklet and any evidence obtained by the person proctoring the examination.

2604.4 If the Commission has cause to believe that an applicant has cheated or has failed to comply with an instruction of a proctor given pursuant to § 2604.3, it may propose to deny a license, impose a civil fine, or take other actions in accordance with the Act.

2604.5 If the Commission determines that an applicant cheated on an examination, in addition to any other consequences, the applicant shall not be eligible to take another examination for a period of one (1) year from the date of the decision of the Commission, or other period established by the Commission in its order.

Section 2605, CONTINUING EDUCATION REQUIREMENTS FOR REAL ESTATE BROKERS, PROPERTY MANAGERS, AND SALESPERSONS, is amended to read as follows:

2605 CONTINUING EDUCATION REQUIREMENTS FOR REAL ESTATE BROKERS, PROPERTY MANAGERS, AND SALESPERSONS

- 2605.1 This section shall apply to all applicants for the renewal or reinstatement of a real estate broker, real estate salesperson, or property manager license, except those applicants seeking first renewal of a license granted by examination.
- 2605.2 A continuing education credit shall be valid only if it is part of a program or activity approved by the Commission in accordance with § 2607 of this chapter. Licensees are responsible for ensuring that continuing education courses taken to satisfy the Commission's renewal or reinstatement requirements are Commission certified or approved.
- 2605.3 The continuing education renewal requirements of a real estate broker's, real estate salesperson's, or property manager's license shall be as follows:
- (a) An applicant for renewal of a real estate broker's license, a real estate salesperson's license, or a property manager's license shall submit proof pursuant to § 2605.6 of this section that the applicant has completed no fewer than fifteen (15) hours of acceptable continuing education credit during the two- (2-) year period preceding the date the license expires.
 - (b) Of the fifteen (15) hours noted in Subsection (a), nine (9) hours shall consist of mandated courses with curriculums administratively established and approved by the Commission and six (6) hours will be general elective courses as approved by the Commission.
- 2605.4 A licensee applying to renew a property manager's license who also possesses an active real estate broker's or real estate salesperson's license shall be considered to have satisfied the continuing education requirements for renewal of the property manager license if the licensee has satisfied the renewal requirements for the real estate broker's or real estate salesperson's license.
- 2605.5 Licensees who also hold equivalent licenses in another jurisdiction may, at the Commission's discretion, substitute continuing education credit completed in the other jurisdiction for the general elective continuing education requirements under this section if the licensee earned the continuing education credit during the two- (2-) year period preceding the date that the licensee's District license expires.
- 2605.6 An applicant shall prove completion of required continuing education credits by submitting with the application a certification of completion that includes the following:
- (a) The name and address of the sponsor of the program;
 - (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;

- (c) The dates on which the applicant attended the program;
- (d) The hours of credit claimed; and
- (e) A verification of completion with the signature or stamp of the sponsor.

2605.7 An applicant for renewal of an inactive license or reinstatement of an expired, suspended or revoked real estate broker's, real estate salesperson's, or property manager's license shall submit proof pursuant to § 2605.6 of this section of having completed the following continuing education credits:

- (a) Nine (9) hours of mandated courses with curriculums administratively established and approved by the Commission; and
- (b) Six (6) hours of general elective courses, as approved by the Commission, per licensing cycle that the applicant's license was inactive, expired, revoked or suspended.

2605.8 An applicant for the renewal of a license who fails to submit proof of having completed the continuing education requirements by or before the expiration date may renew the license within sixty (60) days after expiration by submitting proof pursuant to § 2605.6 of this section and by paying the required late fee. Upon renewal, the Commission will deem the applicant to have possessed a valid license during the period between the expiration of the license and its renewal.

2605.9 If an applicant for the renewal of a license fails to submit proof of having completed required continuing education prior to the expiration date of the license within sixty (60) days after the expiration of the applicant's license, the license shall be deemed to have lapsed on the date of expiration, and the applicant shall be required to apply for reinstatement of the expired license pursuant to § 2622 of this chapter.

2605.10 The Commission may grant an extension of the sixty (60) day period to renew after expiration if the applicant's failure to submit proof of completion was for good cause. For purposes of this subsection, "good cause" includes proof of the following:

- (a) Serious and protracted illness of the applicant, who must submit a doctor's statement verifying the illness;
- (b) The death or serious and protracted illness of a member of the applicant's immediate family, if the death or illness resulted in the applicant's inability to complete the continuing education requirements within the specified time. For the purposes of this subsection, the term "immediate family" means the applicant's spouse and any parent, brother, sister, or

child of the applicant and the spouse of any such parent, brother, sister, or child; or

- (c) Due to age (seventy (70) years of age or older), the applicant is unable to complete the requirements within the specified time.

Section 2606, ACCREDITATION AND CERTIFICATION OF PRE-LICENSE EDUCATION PROGRAMS, is amended by adding a new Subsection 2606.14 to read as follows:

2606.14 The Commission may approve distance learning courses for pre-license education that meet the requirements of § 2607.9 of this chapter.

Section 2607, APPROVED CONTINUING EDUCATION PROGRAMS, is amended as follows:

Subsection 2607.9 is amended to read as follows:

2607.9 Distance learning courses may be approved as follows:

- (a) Distance learning courses that are certified by the Association of Real Estate Licensing Law Officials (ARELLO) shall be considered for approval by the Commission under this section if they provide the Commission with appropriate documentation that ARELLO certification is in effect, that the distance learning course meets the content requirements of § 2607.8 of this section, and the course meets the following other requirements of the Commission:
 - (1) Distance learning courses shall be in a mastery-based format defined as follows:
 - (i) Having at least one (1) objective;
 - (ii) Having a method for measuring student progress;
 - (iii) Having delivery formats that are interactive, which may include computer based instruction via CD-ROM or the Internet; and
 - (iv) Having a delivery format that does not deliver course material in a passive, text only format consisting primarily of questions similar to those found on the licensing examination;
 - (2) Distance learning courses shall be equivalent to in-class continuous instruction and attendance formats;

- (3) Distance learning providers located outside the District of Columbia approved by ARELLO shall offer courses through District-based and Commission-approved distance learning providers; and
- (4) Secondary providers of distance learning courses shall obtain certification by ARELLO;
- (b) Approval under this section shall be revoked immediately should ARELLO certification be discontinued for any reason;
- (c) The distance learning provider shall inform the Commission immediately if ARELLO certification is discontinued for any reason; and
- (d) A student shall complete the distance learning course within three (3) months of the date of enrollment in the course.

Section 2609, APPROVED CONTINUING EDUCATION PROGRAMS, is amended as follows:

Subsections 2609.4, 2609.5, and 2609.6 are amended to read as follows:

- 2609.4 A real estate broker shall not advertise without disclosing the broker’s name and telephone number or the company’s name and telephone number as shown by the records of the Department of Consumer and Regulatory Affairs.
- 2609.5 A real estate broker shall not knowingly permit a real estate salesperson or associate broker to use the salesperson’s or associate broker’s name in any advertisement without the name of the brokerage company with whom the salesperson or associate broker is affiliated, and the main telephone number of the brokerage company or branch office which serves as the salesperson’s or associate broker’s regular place of employment.
- 2609.6 A real estate salesperson or associate broker shall not knowingly permit the use of his or her name in any advertisement without the name of the brokerage company with whom he or she is affiliated, and the main telephone number of the brokerage company or branch office which serves as his or her regular place of employment.

Section 2615, ADVERTISING REQUIREMENTS, is amended as follows:

Subsection 2615.4 is amended to read as follows:

- 2615.4 [RESERVED].

Section 2622, REINSTATEMENT OF AN EXPIRED LICENSE, is amended as follows:

Subsection 2622.7 is amended to read as follows:

2622.7 An applicant for reinstatement of an expired license shall submit proof of having completed all continuing education credits required pursuant to § 2605.7 of this chapter.

Section 2623, REINSTATEMENT OF SUSPENDED OR REVOKED LICENSE, is amended as follows:

Subsection 2623.3 is amended to read as follows:

2623.3 An applicant shall satisfy the continuing education requirements of § 2605.7 of this chapter and shall demonstrate fitness to resume practice by submitting evidence satisfactory to the Commission that the applicant has the moral qualifications, competency, and knowledge of District and federal laws necessary to resume practice, and that the applicant's resumption of practice will not be detrimental to the public interest or the integrity of the real estate profession.

Chapter 27, REAL ESTATE PRACTICE AND HEARINGS, is amended as follows:

Section 2704, REAL ESTATE GUARANTY AND EDUCATION FUND ASSESSMENT, is amended as follows:

Subsection 2704.6 is amended to read as follows:

2704.6 Any time the amount of the Fund falls below the minimum amount established under this section, the Commission shall assess each licensee up to fifty dollars (\$50) during any license year to bring the balance of the Fund up to the minimum amount.

All persons desiring to comment on these proposed regulations should submit comments in writing to Helder Gil, Legislative Affairs Specialist, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, S.W., Room 5134, Washington, D.C. 20024, or via e-mail at helder.gil@dc.gov, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above. The agency can be reached by telephone at 202-442-4400. A copy fee of one dollar (\$1.00) will be charged for each copy of the proposed rulemaking requested. Free copies are available on the DCRA website at dcra.dc.gov by going to the "About DCRA" tab, clicking "News Room", and clicking on "Rulemaking."

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF EMERGENCY RULEMAKING

The District of Columbia Taxicab Commission (Commission), pursuant to the authority set forth in Sections 8(b)(1) (C), (D), (E), (F), (G), (I), (J), 14, and 20 of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(b)(1) (C), (D), (E), (F), (G), (I), (J) and 50-319 (2009 Repl.), and D.C. Official Code § 50-313 (2009 Repl.; 2012 Supp.); D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Supp.); Section 12 of the 1919 District of Columbia Taxicab Act, approved July 11, 1919 (41 Stat. 104; D.C. Official Code § 50-371 (2009 Repl.)); and Section 6052 of the District of Columbia Taxicab Commission Fund Amendment Act of 2012 (“Commission Fund Amendment Act”) effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 50-320(a))(2012 Supp.) hereby gives notice of emergency rulemaking action to amend Chapter 6 (Taxicab Parts and Equipment), of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

This Emergency Rulemaking is necessary to protect and promote the public peace, safety, and welfare of the residents of and visitors to the District of Columbia by implementing, on an emergency basis, a regulatory framework that will allow the Commission to pre-approve proposed modern taximeter systems that will collect a fee expected to aggregate at least \$1 million in fiscal year 2013 and each fiscal year thereafter in the form of a passenger surcharge for each ride in a taxicab, as authorized by the Commission Fund Amendment Act.

This emergency rulemaking was adopted on February 5, 2013, and will take effect upon publication in the *D.C. Register*, and will remain in effect for up to one hundred twenty (120) days after the date of publication, or upon earlier amendment or repeal by the Commission, or the publication of final rulemaking, whichever occurs first.

The Commission hereby amends Chapter 6, TAXICAB PARTS AND EQUIPMENT, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, by amended Section 604, MODERN TAXIMETER SYSTEMS, to read as follows:

604.1-604.19 RESERVED

604.20 The Commission anticipates promulgating one or more final rulemaking(s) in compliance with the Administrative Procedures Act to require that each licensed taxicab in the District of Columbia be equipped with and operated only through the use of a modern taximeter system (“MTS”) approved by the Office of Taxicabs (“Office”) (“the final rulemaking”).

604.21 The Commission believes it would benefit from an informational process allowing it to identify those who may be interested in acting as payment service providers (“PSPs”) to provide MTSs to the District of Columbia taxicab industry, and allowing the industry and the general public to learn more about the technology anticipated to meet the requirements of the final rulemaking.

- 604.22 An authorized representative of a business interested in operating as a PSP may submit an application for the pre-approval of a proposed MTS pursuant to the pre-approval process of § 604.24, and subject to the requirements of §§ 604.25, 604.26, and 604.27.
- 604.23 The Office shall not charge a filing fee for a pre-approval application.
- 604.24 Pre-Approval Process. The process for seeking pre-approval of an MTS shall be as follows:
- (a) An authorized representative of a business interested in operating as a PSP may submit an application for pre-approval of a proposed MTS, by filing an application on a form satisfactory to the Office, executed under penalty of perjury, and by providing:
 - (1) Its name and contact information, and the name(s) of and contact information for its owners and operators; and
 - (2) Information and documentation demonstrating that the proposed MTS will meet the equipment requirements of § 604.25 and the service and support requirements of § 604.26.
 - (b) Throughout the process, the applicant shall cooperate with the Office to determine to the satisfaction of the Office, in its sole discretion, that the MTS will meet the requirements of §§ 604.25 and 604.26.
 - (d) The Office shall issue its decision to grant or deny pre-approval in writing.
- 604.25 Equipment Requirements. An MTS shall incorporate any reasonable combination of modern, fixed or mobile, hardware technology components, such as a Bluetooth-enabled Smartphone, mobile data terminal, or tablet, with an attached or integrated credit card reader, that either links to an existing taximeter or replaces it, and shall:
- (a) Allow the PSP to validate the operator in real-time through a password unique to each operator;
 - (b) Collect, and allow the PSP to report to the Commission all the electronic trip data for each trip;
 - (c) Allow the PSP to process the Passenger Surcharge for each trip, regardless of the form of payment;
 - (d) Allow the PSP to process a cash payment, a cashless payment, and any other type of non-cash payment that the PSP may choose to offer;

- (e) Display text messages from the Office and only permit responses when the vehicle is stationary and only via pre-programmed responses;
- (f) Integrate with or replace the taximeter;
- (g) Use a wireless 3G or better cellular data connection;
- (h) Use a high-sensitivity Global Positioning Satellite (“GPS”) receiver that provides failover geo-coding using mobile wireless networks;
- (i) Record all trips made by the vehicle;
- (j) Print paper receipts and, if the passenger chooses, allow the operator to trigger the sending of an electronic receipt via email or SMS text service no later than when the passenger exits the vehicle containing at least: date and time; mileage of trip; trip number; PVIN; operator license (Face Card) number; itemization of the fare, including tolls, surcharges, additional charges; gratuity; and number of passengers;
- (k) Not store or allow the operator to access the passenger’s payment information after receiving authorization for the payment;
- (l) Have only once physical access-point to the taximeter if it uses a wired connection and allows only one wireless device to be paired to the taximeter if it uses a Bluetooth connection;
- (m) Not incorporate or connect to any display, fixed or mobile, that is intended to be viewed by passengers and that provides advertising, promotion of the MTS or PSP, public service announcements, or similar information, but shall be upgradeable to incorporate and connect to such technology without significant modification or cost;
- (n) Meet OWASP security guidelines, and complies with current standards issued by the Payment Card Industry Security Standards Council (“Council”) for payment card data security and with the requirements of Section 508 of the Rehabilitation Act of 1973; and
- (o) Not use, incorporate, or connect to hardware or software available for personal use by the owner or operator of the vehicle.

- 604.26 Service and Support Requirements. Each MTS shall operate only in combination with a single PSP that shall:
- (a) Be in compliance with this title, and with all other applicable Federal and District licensing, permitting, registration, anti-discrimination, and taxation requirements for a business operating in the District;
 - (b) Be in compliance with the clean hands requirements of D.C. Official Code § 47-2862 (2005 Repl. & 2011 Supp.);
 - (c) Either maintain a bona fide administrative office, consisting of a physical office in the District of Columbia in the same manner applicable to a taxicab company under Chapter 5 and in compliance with all laws, rules, and regulations concerning the operation of a place of business in the District, or maintain a registered agent authorized to accept service of process, provided, however, that a PSP operated by a taxicab company, fleet, or association, shall maintain a bona fide administrative office;
 - (d) Maintain with the Office a Vehicle Inventory that accurately reflects the vehicles in which MTS equipment is installed and the operators authorized to use it, and that meets the following additional requirements:
 - (1) An initial inventory shall be filed with the application for review and approval of the MTS;
 - (2) At all times after the filing of an initial inventory, each PPS shall routinely maintain its inventory to insure accuracy, through such means and at such times as required by the Commission, and shall cooperate with Commission to insure that the requirements of this subsection are met;
 - (3) For each vehicle, the inventory shall contain: the name of and contact information for its owner(s), including work, home, and cellular telephone numbers; the vehicle's PVIN, make, model, and year of manufacture; certification by the PSP that the vehicle is in compliance with the insurance requirements of Chapter 9 of this title; an indication of whether the vehicle is wheelchair accessible; an indication with whether the vehicle is in active use; and, if the vehicle is associated with a taxicab company, association, or fleet, the name of and contact information for such company, association, or fleet;
 - (4) For each operator, the inventory shall contain: the name of and contact information for such operator, including work, home, and cellular telephone numbers; his or her DCTC vehicle operator

license number; an indication of whether such operator is actively using the MTS; and, if he or she is associated with a taxicab company, association, or fleet, the name of and contact information for such company, association, or fleet;

- (5) The Office may remove a vehicle or operator from the inventory at any time with reasonable notice to the PSP if such vehicle or operator is not legally authorized or permitted to operate, or if a particular MTS installation is no longer authorized or permitted; and
- (e) Provide live technical support to vehicle operators via a local “202” or toll-free telephone number answered promptly by technical support staff based in the Washington Metropolitan Area, 24 hours per day, 365 days per year;
- (f) Store its business records in a safe and secure manner, and in compliance with industry best practices and applicable Federal and District law; make the records reflecting its compliance with this Chapter available for inspection and copying at the Office within five (5) business days following its receipt of a written demand from the Office, and by public vehicle inspection officers or other Commission staff of counsel, during normal business hours at a bona fide administrative office, if maintained; and retain its business records for at least five (5) years;
- (g) Notify the Office promptly following its receipt of notice of a security breach as to which a report must be made pursuant to the D.C. Consumer Personal Information Security Breach Notification Act of 2006, D.C. Official Code § 28-3851, *et seq.* or applicable Federal law;
- (h) For the processing of its cashless payments, as defined in Section 604.9, uses only technology that meets OWASP security guidelines, and complies with the current standards issued by the Payment Card Industry Security Standards Council (“Council”) for payment card data security (“PCI Standards”) and, for the processing of other non-cash payments, such as near-field device or payment via mobile- or web-based application, complies with applicable guidelines of the Council, and for all direct debit transactions, complies with the rules and guidelines of the National Automated Clearing House Association;
- (i) Maintain a data connection to the MTS equipment installed in each vehicle that shall do all of the following:
 - (1) Validate the status of the operator’s DCTC operator license in real-time by connecting to the Office’s Back Office Management Information System (“BOMIS”) or through such other means as

the Office may prescribe, and not permit the MTS to be used if the operator's license is revoked or suspended, or if the operator is not in compliance with the insurance requirements of Chapter 9;

- (2) Report to the Office every twenty-four (24) hours via a single data feed electronic trip data, which means geospatially marking the pick-up, drop-off and current taxicab location information, and capturing and transmitting to the BOMIS in a data structure consistent across all PSPs as established by the Office, the following information:
 - (A) The date,
 - (B) Anonymously-reported but unique DCTC vehicle operator license number, PVIN, and tag number;
 - (C) The name of the taxicab company, association, or fleet if applicable;
 - (D) The time at beginning of tour of duty;
 - (E) The time and mileage of each trip;
 - (F) The time and geospatially recorded place of origin and time and geospatially recorded place of destination of each trip;
 - (G) The number of passengers and fare charged for each trip;
 - (H) The time at the end of each tour of duty
 - (I) The unique trip number;
 - (J) The itemized fare including any tolls, surcharges, and any gratuity for credit or debit purchases;
 - (K) The form of payment (cashless payment (including the brand of payment card), cash, voucher, or any other type of non-cash payment the PSP may choose to offer); and
- (3) Process or report each payment for each trip, regardless of the form of payment, and regardless of whether the trip was booked through dispatch or resulted from a street hail; and

- (j) Maintain a surcharge account and remit surcharge payments according to the following requirements:
 - (1) The account shall be opened prior to the issuance of final approval of the MTS;
 - (2) The account shall be opened by depositing with the Office a security bond in the amount of fifty-thousand dollars (\$50,000.00), payable to the D.C. Treasurer, which shall remain in force and effect for one (1) year following any action (including a decision to not take an allowable action) that results in the MTS no longer being approved; and
 - (3) Throughout the period of its operation and use by any vehicle operator, the PSP shall remit a payment to the D.C. Treasurer at the end of each seven (7) day period reflecting the sum of all passenger surcharges owed for all vehicles using the MTS during that period, which shall correlate with the trip data from the MTS it provided during such period, and shall send contemporaneously via email a report to the Office certifying its payment and providing a basis for the amount thereof.

604.27 Additional Requirements. The following additional requirements shall apply to the pre-approval process for proposed MTSs:

- (a) The pre-approval process is optional and informational, and it shall not create any legal rights, presumptions, obligations, or entitlements;
- (b) The MTS requirements of the final rulemaking may be different from those required for pre-approval;
- (c) The pre-approval process is not contractual, and an applicant for pre-approval shall not be deemed to be competing or bidding for a procurement with the District of Columbia.
- (d) A pre-approved MTS shall be required to apply for and meet the requirements for final approval under the final rulemaking; and
- (e) The Office may choose to use or not use during the final approval process information it acquires during the pre-approval process.

604.28 Definitions

The following definitions shall apply to the pre-approval process:

- (a) The “passenger surcharge” is a fifty-cent (\$.50) per trip surcharge that an MTS will be required to collect and remit to the Commission for each and every trip in a District of Columbia taxicab.
- (b) A “surcharge account” is an account that will be established and maintained by the PSP with the Commission for the purpose of processing the Passenger Surcharge.
- (c) A “cashless payment” means payment by payment card made by the passenger inside the vehicle through the use of a credit or debit card (including but not limited to MasterCard, VISA, American Express, and Discover), presented by the passenger to the operator at the end of the trip and processed through the MTS equipment, without regard to the availability of other forms of non-cash payment offered by a PSP not inconsistent with this section, such as payment via near-field communications or Web or mobile application.
- (d) A “public vehicle-for-hire identification number” or “PVIN” is a unique number that will be assigned by the Office to each public vehicle-for-hire.
- (e) “Associated” connotes a voluntary relationship of employment, contract, ownership, or other legal affiliation, reflected in writing.

Copies of this emergency rulemaking can be obtained at www.dcregs.dc.gov or by contacting Jacques P. Lerner, General Counsel, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-029
January 30, 2013

SUBJECT: Delegation of Authority to Execute and Implement Memorandum of Understanding for the Implementation of the District of Columbia Reentry Initiative and the Reentry Resource Center

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2012 Supp.)), it is hereby **ORDERED** that:

I. PURPOSE

- A. In order to promote the successful transition of inmates from incarceration to productive citizenship, there is a need to provide access to governmental and community-based reentry services, which include education, housing assistance, health care, substance abuse rehabilitation, and employment support services.
- B. While the Office on Returning Citizen Affairs ("ORCA") provides support and services in furtherance of the achievement of this objective, it is recognized that a multi-agency approach will enhance its efforts.
- C. With my consultation and approval, various District subordinate and independent agencies and federal agencies have collaborated and agreed upon the terms of a Memorandum of Understanding for the Implementation of the District of Columbia Reentry Initiative and the Reentry Resource Center ("MOU").
- D. The MOU implements the multi-agency approach to enhancing access to reentry services and will coincide with the opening of the ORCA Reentry Resource Center.
- E. Multiple District subordinate agencies or offices are parties to the MOU. While it is believed that agency directors have the requisite delegation of Mayoral authority to execute and implement the MOU, the importance of

the initiative supported by the MOU warrants that the delegation of authority be confirmed to remove the possibility of an impediment to the achievement of its objective.

II. IMPLEMENTATION


- A. The delegation of authority to respective directors or Deputy Mayors, as the case may be, of the following agencies or offices to execute and implement the MOU is hereby confirmed:
1. Office on Returning Citizen Affairs;
 2. Office of the City Administrator;
 3. Office of the Deputy Mayor for Public Safety and Justice;
 4. Office of the Deputy Mayor for Education;
 5. Office of the Deputy Mayor for Planning and Economic Development;
 6. Office of the Deputy Mayor for Health and Human Services;
 7. Department of Employment Services;
 8. Department of Housing and Community Development;
 9. Department of Corrections;
 10. Department of Human Services;
 11. Department of General Services;
 12. Department of Public Works;
 13. Department of Consumer & Regulatory Affairs;
 14. Department of Health;
 15. Department of Mental Health;
 16. Department of Motor Vehicles; and
 17. Department of Human Resources.
- B. The authority delegated herein to the directors or Deputy Mayors may be further delegated to subordinates under their jurisdiction.
- C. All agencies that are subject to this Order shall cooperate with ORCA in implementing the MOU.

III. 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 2013-030
February 7, 2013

SUBJECT: Appointments – Commission on Asian and Pacific Islander Community
Development


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.)), and pursuant to section 305 of the Fiscal Year 2002 Budget Support Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 2-1374), which established the Commission on Asian and Pacific Islander Community Development (“Commission”), it is hereby **ORDERED** that:

1. **ELIZABETH P. DeBARROS** is appointed to the Commission as an ex-officio member, representing the Department of Employment Services, and shall serve in that capacity at the pleasure of the Mayor.
2. **SAKINA B. THOMPSON** is appointed to the Commission as an ex-officio member, representing the Department of Human Services, and shall serve in that capacity at the pleasure of the Mayor.
3. **GARRET LUM** is appointed to the Commission as an ex-officio member, representing the Department of Health, and shall serve in that capacity at the pleasure of the Mayor.
4. **SONIA P. GUTIERREZ** is appointed to the Commission as an ex-officio member, representing the Department of Housing and Community Development, and shall serve in that capacity at the pleasure of the Mayor.
5. **WILLIAM O. HOWLAND, JR.** is appointed to the Commission as an ex-officio member, representing the Department of Public Works, and shall serve in that capacity at the pleasure of the Mayor.
6. **JOHN STOKES** is appointed to the Commission as an ex-officio member, representing the Department of Parks and Recreation, and shall serve in that capacity at the pleasure of the Mayor.

- 7. **YI-RU CHEN** is appointed to the Commission as an ex-officio member, representing the Homeland Security and Emergency Management Agency, and shall serve in that capacity at the pleasure of the Mayor.
- 8. **LEEANN TURNER** is appointed to the Commission as an ex-officio member, representing the Metropolitan Police Department, and shall serve in that capacity at the pleasure of the Mayor.
- 9. **MATTHEW GREEN, JR.** is appointed to the Commission as an ex-officio member, representing the Department of Consumer and Regulatory Affairs, and shall serve in that capacity at the pleasure of the Mayor.
- 10. **CAPTAIN DENNIS O. GOBANTES** is appointed to the Commission as an ex-officio member, representing the Fire and Emergency Medical Services Department, and shall serve in that capacity at the pleasure of the Mayor.
- 11. **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 2013-031
February 7, 2013

SUBJECT: Establishment – Business Regulatory Reform Task Force

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.), it is hereby **ORDERED** that:

I. ESTABLISHMENT

There is established a Business Regulatory Reform Task Force (“Task Force”) in the executive branch of the District government.

II. PURPOSE

One of the six visions stated in the Mayor’s Five-Year Economic Development Strategy is to establish the most business-friendly economy in the nation. The Task Force shall develop strategies to streamline the regulatory process to support this vision for the city.

III. FUNCTIONS

- A. Within nine (9) months from the date of the first meeting of its members, the Task Force shall submit a written report to the Mayor and the Council which includes the following:
1. An identification of statutes and regulations in the District of Columbia that are obsolete, inconsistent, or duplicative, with particular focus upon laws administered by the Department of Consumer and Regulatory Affairs which govern the permitting or licensing of building and land uses, businesses, occupations, and professions;
 2. Recommendations, including proposed legislation, to eliminate or modify the obsolete, inconsistent, or duplicative statutes and regulations identified pursuant to paragraph (1) of this subsection;

3. Recommendations, including proposed legislation, to assure timely disposition of permit and license applications and of objections to these applications; and
 4. Recommendations for administrative changes to improve the processing of permit and license applications and of objections to these applications, including, but not limited to, proposals to revitalize the one-stop permit center and otherwise improve public accessibility to and interaction with the Department of Consumer and Regulatory Affairs.
- B. Nothing in this Order shall preclude the Mayor from implementing these administrative improvements during the pendency of the Task Force's work.

IV. MEMBERSHIP AND PROCEDURE

- A. The Task Force shall be comprised of nineteen (19) voting members, nine (9) voting ex-officio members and four (4) non-voting members.
- B. There shall be at least one (1) voting member representing each of the following business organizations:
1. Greater Washington Board of Trade;
 2. Apartment and Office Building Association of Metropolitan Washington;
 3. DC Chamber of Commerce; and
 4. DC Building Industry Association.
- C. There shall be at least one (1) voting member representing each of the following economic growth sectors:
1. Higher education and health care;
 2. Federal government and federal government contractors;
 3. Hospitality;
 4. Professional services;
 5. Real estate and construction;
 6. Retail; and
 7. Technology.

- D. Additional voting members to represent the general public may be appointed by the Mayor as deemed necessary and appropriate.
- E. There shall be two (2) voting members appointed by the Council of the District of Columbia ("Council"), to include the following:
1. One (1) representative appointed by the Chairman of the Council; and
 2. One (1) representative appointed by the Chairperson of the Council's Committee on Business, Consumer and Regulatory Affairs.
- F. There shall be nine (9) voting ex-officio members, to include the following Directors or their designees:
1. Office of the City Administrator;
 2. Department of Consumer and Regulatory Affairs;
 3. Department of Small and Local Business Development;
 4. Department of Employee Services;
 5. District Department of Transportation;
 6. Office of the Chief Financial Officer;
 7. Office of Planning;
 8. District Department of the Environment; and
 9. Deputy Mayor for Planning and Economic Development.
- G. There shall be three (3) non-voting members from utility companies, to include representation from the following:
1. One (1) representative from a gas company serving the District;
 2. One (1) representative from the District of Columbia Water and Sewer Authority; and
 3. One (1) representative from an electric company serving the District.
- H. There shall be one (1) non-voting member from a telecommunications company.

- I. The Director of the Department of Consumer and Regulatory Affairs shall serve as co-chairperson of the Task Force.
- J. The Mayor shall appoint the other co-chairperson of the Task Force, from among the voting members, who shall serve in that capacity at the pleasure of the Mayor.
- K. A vacancy on the Task Force shall be filled in the same manner that the original appointment was made.
- L. A majority of the voting members of the Task Force who are present at any meeting shall constitute a quorum. An audio or written transcript or transcription shall be kept for all meetings at which a vote is taken.
- M. Members of the Task Force shall not be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties and shall not be compensated for time expended in the performance of official duties.
- N. The Task Force shall meet at the call of either of the co-chairpersons, who shall convene the first meeting of the Task Force not later than fifteen (15) days after a majority of the first members appointed have been sworn in. The Task Force shall meet not less than once every sixty (60) days thereafter.

V. TERMS

- A. Each member of the Task Force shall serve until the Task Force ceases to exist pursuant to section VII of this Order, unless earlier removed by the appointing authority.
- B. Any member appointed by the Mayor may be removed for failure to attend three (3) consecutive meetings.

VI. ADMINISTRATION

- A. The Mayor shall provide administrative and technical support, office space, staff, and other resources needed by the Task Force to carry out the provisions of this Order.
- B. Each department, agency, instrumentality, or independent agency of the District shall cooperate with the Task Force and provide any information, in a timely manner that the Commission requests to carry out the provisions of this Order.

C. The Task Force may establish such advisory groups, committees, or subcommittees, consisting of members or nonmembers, as it deems necessary to carry out the purposes of this Order.


VII. SUNSET

The Task Force shall cease to exist as of the date on which it transmits to the Mayor and the Council the written report required by section III. A., but in no event later than January 31, 2014.

VIII. 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 2013-032
February 7, 2013

SUBJECT: Appointments – Business Regulatory Reform Task Force

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Supp.), and pursuant to Mayor's Order 2013-031, dated February 7, 2013, it is hereby **ORDERED** that:

1. The following persons are appointed to the Business Regulatory Reform Task Force ("Task Force") as voting members from the various Economic Growth Sectors:

CHARLES BARBER, representing the Higher Education and Health Care Economic Growth Sector;

MICHAEL THOMPSON, representing the Higher Education and Health Care Economic Growth Sector;

VERONICA O. DAVIS, representing the Federal Government and Federal Contractors Economic Growth Sector;

KATHY HOLLINGER, representing the Hospitality Economic Growth Sector;

STEPHEN MARCUS, representing the Professional Services Economic Growth Sector;

DAVID BRIGGS, representing the Real Estate and Construction Economic Growth Sector;

MICHAEL HOWARD, representing the Retail Economic Growth Sector;

RACHEL HOLT, representing the Technology Economic Growth Sector; and

SAM von POLLARO, representing the Technology Economic Growth Sector.

2. The following persons are appointed to the Task Force as voting members from the various Business Organizations:

MARY L. LYNCH, representing the Apartment and Office Building Association of Metropolitan Washington;

KAREN CAMPBELL, representing the Greater Washington Board of Trade;

DAVID GOLDBLATT, representing the DC Chamber of Commerce;

MARGARET SINGLETON, representing the DC Chamber of Commerce; and

CHERYL HAMILTON, representing the DC Building Industry Association.

3. The following persons are appointed to the Task Force as ex-officio voting members from the various District government agencies:

REGINALD BAZILE, designee representative of the Director of the District Department of Transportation;

WILLIAM C. BOWIE, designee representative of the Chief Financial Officer, Office of the Chief Financial Officer;

DAVID ZIPPER, designee representative of the Deputy Mayor for Planning and Economic Development;

HAROLD PETTIGREW, Director of the Department of Small and Local Business Development;

NICHOLAS A. MAJETT, Director of the Department of Consumer and Regulatory Affairs;

STEVEN KELTON, designee representative of the Director of the District Department of the Environment;

TANYA STERN, designee representative of the Director of the Office of Planning;

PATRICK HOLMES, designee representative of the Director of the Department of Employee Services; and

MELANIE BELL, designee representative of the City Administrator, Office of the City Administrator.

4. **BRIAN McDERMOTT** is appointed to the Task Force as a non-voting member from a utility company, representing the District of Columbia Water and Sewer Authority.
5. **STEVE C. ATKINSON** is appointed to the Task Force as a non-voting member from a utility company, representing PEPCO.
6. **ADAM FINE** is appointed to the Task Force as a non-voting member from a utility company, representing Washington Gas.
7. **DONNA RATTLEY-WASHINGTON** is appointed to the Task Force as a non-voting member from a telecommunications company, representing Comcast.
8. The following persons are appointed to the Task Force as public voting members:


LLOYD JORDAN; and

MARLA BILONICK.
9. **NICHOLAS A. MAJETT** and **DAVID GOLDBLATT** are designated as co-chairs of the Task Force and shall serve in that capacity at the pleasure of the Mayor.
10. Unless otherwise earlier removed, the terms of all Task Force members shall expire in accordance with section V of Mayor's Order 2013-031.

11. EFFECTIVE DATE: This Order shall be effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
CHANGE OF HOURS AGENDA

WEDNESDAY, FEBRUARY 20, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 7am-12am. No conflict with Voluntary Agreement. ANC 4A. **Mayfair Liquors**, 7312 Georgia Avenue, NW, Retailer's A, Lic.#: 060561.
2. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 9am-12am. No conflict with Voluntary Agreement. ANC 2B. **Barmy Wine and Liquors**, 1912 L Street, NW, Retailer's A, Lic.#: 023822.
3. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 7am-12am. No conflict with Voluntary Agreement. ANC 7B. **Fairfax Liquors**, 3851 Pennsylvania Avenue, NW, Retailer's A, Lic.#: 078013.
4. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 7am-12am. No conflict with Voluntary Agreement. ANC 2E. **Bacchus Wine Cellar**, 1635 Wisconsin Avenue, NW, Retailer's A, Lic.#: 060414.
5. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 7am-12am. No voluntary agreement. ANC 5C. **Rhode Island Liquor**, 1812 Hamilton Street, NE, Retailer's A, Lic.#: 072215.
6. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 9am-12am. No voluntary agreement. ANC 1C. **AB Liquors**, 1803 Columbia Road, NW, Retailer's A, Lic.#: 072429.
7. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Sunday 9am-12am, Monday through Saturday 8am-12am. No voluntary agreement. ANC 6E. **Log Cabin Liquor**, 1748 7th Street, NW, Retailer's A, Lic.#: 082040.

8. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 9am-9pm. No voluntary agreement. ANC 8A. **Minnesota Liquors**, 2237 Minnesota Avenue, SE, Retailer's A, Lic.#: 000222.
9. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 7am-12am. No voluntary agreement. ANC 4D. **Fair Liquors Inc.**, 5008 1st Street, NW, Retailer's A, Lic.#: 076782.
10. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 7am-12am. No voluntary agreement. ANC 2B. **State Liquors**, 2159 P Street, NW, Retailer's A, Lic.#: 088025.
11. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 7am-12am. No voluntary agreement. ANC 6A. **Family Liquors**, 710 H Street, NE, Retailer's A, Lic.#: 021877.
12. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 9am-10pm. No voluntary agreement. ANC 7D. **Suburban Liquors**, 4347 Hunt Place, NE, Retailer's A, Lic.#: 083221.
13. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 7am-12am. No voluntary agreement. ANC 6A. **New York Liquors**, 1447 Maryland Avenue, NE, Retailer's A, Lic.#: 076234.
14. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Sunday 9am-10:30pm, Monday through Thursday 9am-9:30pm, Friday and Saturday 9am-10:30pm. No conflict with Voluntary Agreement. ANC 8E. **Wheeler Liquors**, 4137 Wheeler Rd, SE, Retailer's A, Lic.#: 088122.
15. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 10am-12am. No voluntary agreement. ANC 7E. **Southern Express Liquors**, 4416 Southern Avenue, SE, Retailer's A, Lic.#: 087100.
16. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Sunday 10am-7pm, Monday through Saturday 9am-9pm. No conflict with Voluntary Agreement. ANC 6C. **Schneider's of Capitol Hill**, 300 Massachusetts Avenue, NE, Retailer's A, Lic.#: 000252.

17. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Monday through Sunday 10am-12am. No voluntary agreement. ANC 2E. **Towne Liquors**, 1326 Wisconsin Avenue, NW, Retailer's A, Lic.#: 060471.
18. Review of Change of Hours Application to change Hours of Alcoholic Beverage Sales. Proposed Hours of Alcoholic Beverage Sales: Monday through Sunday 8am-9pm. No voluntary agreement. ANC 2E. **Dean & Deluca**, 3276 M Street, NW, Retailer's B, Lic.#: 018083.
19. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales. Proposed Hours of Operation and Hours of Alcoholic Beverage Sales: Sunday through Thursday 10am-11pm, Friday and Saturday 10am-12am. No voluntary agreement. ANC 2B. **Rosebud Liquor**, 1711 17th Street, NW, Retailer's A, Lic.#: 060751.

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

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, FEBRUARY 20, 2013
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On February 20, 2013 at 4:00 pm, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case#13-AUD-00005 19th, 1919 PENNSYLVANIA AVE NW Retailer C Restaurant,
License#: ABRA-078475

2. Case#13-AUD-00006 Armand's Chicago Pizzeria, 226 MASSACHUSETTS AVE NE Retailer
C Restaurant, License#: ABRA-075464

3. Case#13-AUD-00008 Bistrot Le Zinc, 3712 - 3714 MACOMB ST NW Retailer C Restaurant,
License#: ABRA-086355

4. Case#13-AUD-00009 Bourbon, 2348 WISCONSIN AVE NW Retailer C Restaurant,
License#: ABRA-060605

5. Case#13-AUD-00010 El Nuevo Migueleno, 1721 COLUMBIA RD NW Retailer C
Restaurant, License#: ABRA-075403

6. Case#13-AUD-00011 HOT AND JUICY CRAWFISH, 2651 CONNECTICUT AVE NW
Retailer C Restaurant, License#: ABRA-086226

7. Case#13-AUD-00012 Kinkead's, 2000 PENNSYLVANIA AVE NW A Retailer C Restaurant,
License#: ABRA-020092

8. Case#13-AUD-00013 Lavandou Restaurant, 3321 CONNECTICUT AVE NW Retailer C Restaurant, License#: ABRA-001606

9. Case#12-AUD-00058(a) Lalibela Ethiopian Restaurant, 1415 14TH ST NW Retailer C Restaurant, License#: ABRA-023745

10. Case#12-AUD-00068(a) Big Bear Cafe, 1700 1ST ST NW Retailer C Restaurant, License#: ABRA-084379

11. Case#12-251-00393 Grand Central, 2447 18TH ST NW Retailer C Restaurant, License#: ABRA-076693

12. Case#13-251-00006 The Scene, 2221 ADAMS PL NE C Retailer C Multipurpose, License#: ABRA-078642

13. Case#12-CMP-00630 Policy(2 SWCafes & 1 SGarden), 1904 14th ST NW Retailer C Restaurant, License#: ABRA-076804

14. Case#12-251-00216 District Lounge, 2473 18TH ST NW Retailer C Tavern, License#: ABRA-081909

15. Case#12-CMP-00603 Little Miss Whiskey's Golden Dollar, 1104 H ST NE Retailer C Tavern, License#: ABRA-079090

16. Case#13-CMP-00017 Yegna, 1920 9TH ST NW Retailer C Tavern, License#: ABRA-074241

17. Case#13-CMP-00016 MI VECINDAD RESTAURANT by HENRY, 1129 PENNSYLVANIA AVE SE Retailer C Restaurant, License#: ABRA-084571

18. Case#13-251-00003 DC 9, 1940 9TH ST NW Retailer C Nightclub, License#: ABRA-071156

19. Case#13-CMP-00018 Continental Wine & Liquor, 1100 VERMONT AVE NW Retailer A
Retail - Liquor Store, License#: ABRA-078964

20. Case#13-CMP-00035 Bistro 18, 2420 18TH ST NW Retailer C Restaurant, License#:
ABRA-086876

21. Case#13-CMP-00036 Ambassador Restaurant, 1907 9th ST NW Retailer C Restaurant,
License#: ABRA-090422

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
AGENDA

WEDNESDAY, FEBRUARY 20, 2013 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Tasting Permit Application. No pending investigative matters. No outstanding fines/citations. No conflict with Settlement Agreement. ANC 6B. *World Liquors*, 1453 Pennsylvania Avenue NW Retailer A, Lic.#: 76.

2. Review of Summer Garden Application for 22 seats. ***Proposed Hours of Operation:*** Sunday 11:45am-10:30pm, Monday through Wednesday 11:45am-12am, Thursday 11:45am-1am, Friday and Saturday 11:45am-1:30am. ***Proposed Hours of Alcoholic Beverage Sales/Service:*** Sunday 12pm-10:30pm, Monday through Thursday 11:45am-12am, Friday 11:45am-1am, and Saturday 11:45am-1:30am. No pending investigative matters. No outstanding fines/citations. No settlement agreement. ANC 2C. *Central - Michel Richard*, 1001 Pennsylvania Avenue NW Retailer CR03, Lic.#: 75607.

3. Review of Change of Hours Application to Change Sunday Hours of Alcoholic Beverage Sales for the Premises and Sidewalk Cafe. ***Current Sunday Hours of Alcoholic Beverage Sales for the Premises:*** 10am-2am. ***Proposed Sunday Hours of Alcoholic Beverage Sales for the Premises:*** 8am-2am. ***Current Sunday Hours of Alcoholic Beverage Sales for the Sidewalk Cafe:*** 10am-1:30am. ***Proposed Sunday Hours of Alcoholic Beverage Sales for the Sidewalk Cafe:*** 8am-1:30am. No pending investigative matters. No outstanding fines/citations. No settlement agreement. ANC 2C. *Irish Channel Restaurant*, 500 H Street NW Retailer CT02, Lic.#: 60298.

4. Review of Application for License Class Change from a Retailer's Class B to a Retailer's Class A License. No pending investigative matters. No outstanding fines/citations. No conflict with Settlement Agreement. ANC 7B. *Lee's Mini Market*, 3853 Alabama Avenue SE Retailer B, Lic.#: 84939.

5. Review of Application for License Class Change from a Retailer's Class B to a Retailer's Class A License. No pending investigative matters. No outstanding fines/citations. No settlement agreement. ANC 2A. *Trader Joe's #653*, 2425 L Street NW Retailer B, Lic.#: 71278.

Board's Agenda - February 20, 2013 - Page 2

6. Review of letter, dated January 31, 2013, from Paul Pascal requesting Board approval for Washington Wholesaler Liquor Company, LLC to give items valued between \$50.00 and \$500.00 to licensees. *Washington Wholesale Liquor Company, LLC*, 2800 V Street NE Wholesaler A, Lic.#: 60518.

7. Review of letter, dated February 7, 2013, from Commissioner David Holmes of ANC 6A requesting that the Board take action to eliminate on-going noise violations coming from Twelve Restaurant & Lounge. *Twelve Restaurant & Lounge*, 1123 H Street NE Retailer CT03, Lic.#: 76366.

8. Review of District of Columbia's Motion to Continue Date of Show Cause Hearing, dated February 11, 2013, from AAG Amy Schmidt. *Corina's Restaurant*, 831 Kennedy Street NW Retailer CR01, Lic.#: 79873.

*** In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

OFFICE OF ADMINISTRATIVE HEARINGS

NOTICE OF PUBLIC MEETING

The Advisory Committee to the Office of Administrative Hearings hereby gives notice that the Committee will hold its organizational meeting on Wednesday, March 6, 2013 at 9:30 a.m. The meeting is open to the public and will be held at the location below:

Office of Administrative Hearings
441-4th Street, N.W., Suite 450 North
Washington, DC 20001.

Agenda items will include adoption of rules of organization and procedure, and scheduling dates and times for future meetings.

For further information, please contact Ms. LaVita Anthony, on (202) 724-7681.

CAPITAL CITY PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Electricity Supply Services

Capital City Public Charter School invites all interested and qualified vendors to submit proposals for Electricity Supply Services. Proposals are due no later than 5 P.M. March 1, 2013. The RFP with bidding requirements and supporting documentation can be obtained by contacting Arogya Singh at 202-808-9800 or emailing asingh@ccpcs.org.

CARLOS ROSARIO PUBLIC CHARTER SCHOOL**NOTICE OF REQUEST FOR PROPOSAL****Design/Build Construction Services**

Carlos Rosario Public Charter School is seeking bids from prospective candidates to provide **Design/Build Construction Services** for the implementation of a glass-enclosed awning at their existing campus located at 1100 Harvard Street NW, in accordance with requirements detailed in the Request for Proposal.

An electronic copy of the full Request for Proposal (RFP) can be requested no later than Friday, February 22nd 2013 by contacting:

Randy Asbury
rasbury@carlosrosario.org
(202) 797-4700

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

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

Center City PCS would like to engage one contractor to provide IT services for seven different locations. The organization uses IT as a fundamental business tool which impacts every aspect of operations and academic programming. The goal is to partner with an organization that can provide complete support services while helping Center City to pursue our mission:

Center City Public Charter Schools empowers our children for success through a rigorous academic program and strong character education while challenging students to pursue personal excellence in character, conduct, and scholarship in order to develop the skills necessary to both serve and lead others in the 21st century.

To obtain copies of full RFP's, please visit our website: www.centercitypcs.org. The full RFP's contain guidelines for submission, applicable qualifications and deadlines.

Contact person:

Jacquelyn Lawlah
jlawlah@centercitypcs.org

DISTRICT OF COLUMBIA CHILD SUPPORT GUIDELINE COMMISSION

NOTICE OF A PUBLIC MEETING

The District of Columbia's Child Support Guideline Commission's meeting

Thursday, March 7, 2013, at 8:30 A.M.
D.C. Office of the Attorney General, Child Support Services Division
441 4th Street, NW, Ste. 550N
Conference Room A
Washington, D.C. 20001

The District of Columbia Child Support Guidelines Commission (Commission) announces meeting in which it will discuss proposed changes to the District's Child Support Guideline (Guideline). The Commission's mission is to review the Guideline annually and to provide the Mayor with recommendations for improving the efficiency and effectiveness of the Guideline. In order to achieve its objective, and to ensure the recommendations the Commission provides to the Mayor take into account the public's concerns, it invites the public to attend its meeting.

Persons wishing to review the Child Support Guideline prior to the public meeting, may access it online by visiting the District of Columbia's website at www.dc.gov.

Individuals who wish to attend should contact: Cory Chandler, Chairperson, Child Support Guideline Commission, at 202-724-7835, or by e-mail at cory.chandler@dc.gov by Tuesday, March 5, 2013. E-mail submissions should include the full name, title, and affiliation, if applicable, of the person(s) wishing to attend. Persons wishing to comment should send nine (9) copies of their written commentary to the Office of the Attorney General for the District of Columbia at the address below.

Individuals who wish to submit their comments as part of the official record should send copies of written statements no later than 4:00 p.m., Wednesday, March 6, 2013 to:

Cory Chandler, Deputy Attorney General
Office of the Attorney General for the District of Columbia
Family Services Division
200 I Street, S.E.
4th Floor
Washington, D.C. 20003

OFFICE OF THE CITY ADMINISTRATOR

NOTICE OF STREETCAR FINANCING AND GOVERNANCE TASK FORCE PUBLIC MEETING SCHEDULE FOR 2013

The Mayor's Streetcar Financing and Governance Task Force will hold public meetings on the following days:

Thursday, February 20, 2013
Wednesday, March 13, 2013
Wednesday, April 10, 2013
Wednesday, May 8, 2013
Wednesday, June 12, 2013
Wednesday, July 10, 2013
Wednesday, August 14, 2013
Wednesday, September 11, 2013*
Wednesday, October 9, 2013*
Wednesday, November 13, 2013*
Wednesday, December 11, 2013*
* Hold date for future meetings

All meetings will start at 4:30pm and will be held in Room G-9 of the John A. Wilson Building located at 1350 Pennsylvania Avenue, NW. Members of the public interested in providing public comments to the Task Force should contact Michael Durso via email at michael.durso@dc.gov at least 24 hours prior to all meeting dates.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES COORDINATING BOARD

NOTICE OF REGULAR MEETING

The Construction Codes Coordinating Board will be holding a regular meeting on Thursday, February 21, 2013 at 10:00 am.

The meeting will be held at 1100 Fourth Street, SW, Fourth Floor Conference Room, Washington, D.C. 20024. The location is on the Metro Green Line, at the Waterfront/SEU stop. Limited paid parking is available on site.

Draft board meeting agendas and Technical Advisory Group meeting schedules and agendas are available on the website of the Department of Consumer and Regulatory Affairs at dcra.dc.gov, under the Permits/Zoning tab on the main page.

E.L. HAYNES PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Competency-Based Pathways to Graduation****Overview:**

E.L. Haynes Public Charter School was recently awarded a grant from the Meyer Foundation to support work on competency based pathways to graduation in the District of Columbia. The grant project has three goals:

- 1) to plan and pilot competency-based learning in DC public and public charter high schools;
- 2) to share what works and what doesn't for implementing competency-based learning; and
- 3) to catalyze the adoption of competency-based learning city-wide.

To reach these goals, E.L. Haynes will convene a Competency Based Systems Working Group (working group) composed of representatives from the Office of the State Superintendent of Education, the Office of the Deputy Mayor of Education, the State Board of Education and Public Charter School Board and school-based practitioners. Additionally, there will be a small group of practitioners that will form a steering committee. The goal of the working group meetings is to evaluate best practices and create a policy road-map for implementation of competency based pathways to graduation.

Grant funds will also support at least one "fact-finding mission" for members of the working group. The size of the traveling group shall not exceed 20 people and will be made up of critical policy makers. Additional trips may be possible (dependent of funding), but will be focused on capacity building at the school level.

Vendor Responsibilities:

The vendor will facilitate working group meetings and provide research support for meetings of the working group and steering committee, and facilitate travel at least one high-quality school currently using competency based learning strategies.

Specifically, the vendor will:

- 1) Work with E.L. Haynes point of contact to establish agendas for four working group meetings.
- 2) Provide research support for each of the four meetings in the form of policy briefs describing the status of competency based practices throughout the United States and policy pathways for accomplishing change at the school level.

- 3) Attend no less than four steering committee meetings for direction on compiling materials for working group meetings.
- 4) Aid in the drafting of a policy road map for presentation to the working group. Specifically, the vendor will review and edit draft copies created by E.L. Haynes and the steering committee to provide additional research support.
- 5) Meet with the steering committee no less than two times to present options for potential travel sites.
- 6) Create travel agenda and evaluation materials including all pre-reading materials, observation rubrics, and agendas.
- 7) Coordinate travel arrangements for up to 20 working group members and bill E.L. Haynes for reimbursement.

Deadline: Deadline for submitting proposals is February 26, 2013.

Contact:

For questions or submission of proposals, please contact:

Richard Pohlman
Chief of Operations and Policy
4501 Kansas Avenue NW
Washington, DC 20011
rpohlman@elhaynes.org
202-706-5828

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

Certification of Filling Vacancies

In Advisory Neighborhood Commissions

Pursuant to D.C. Official Code §1-309.06(d)(6)(D), If there is only one person qualified to fill the vacancy within the affected single-member district, the vacancy shall be deemed filled by the qualified person, the Board hereby certifies that the vacancies have been filled in the following single-member districts by the individuals listed below:

Teresa A. Stith
Single-Member District 8C02

Thomas Ruffin, Jr.
Single-Member District 8D05

Christopher L. Hawthorne
Single-Member District 8E05

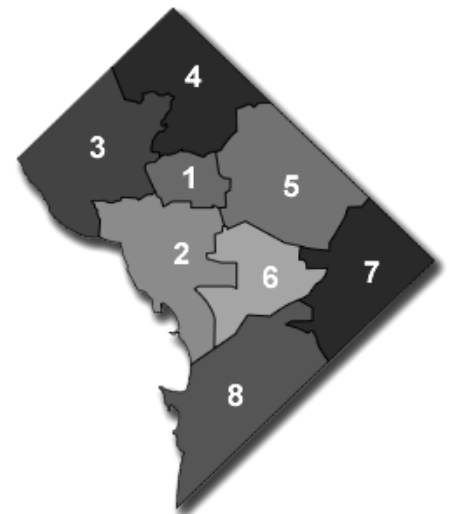
**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION SUMMARY
As Of JANUARY 31, 2013**

WARD	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	45,170	2,947	851	6	185	12,787	61,946
2	31,921	6,465	290	15	163	12,706	51,560
3	39,298	8,037	405	15	128	13,020	60,903
4	51,723	2,665	603	5	182	10,371	65,549
5	54,086	2,274	605	5	172	9,415	66,557
6	52,980	6,564	599	8	199	13,459	73,809
7	52,085	1,419	479	0	136	7,266	61,385
8	50,173	1,479	489	0	187	8,207	60,535
Totals	377,436	31,850	4,321	54	1,352	87,231	502,244
Percentage By Party	75.14%	6.34%	.86%	.01%	.27%	17.37%	100.00%

DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF
VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS
AS OF THE END OF JANUARY 31, 2013

COVERING CITY WIDE TOTALS BY:
WARD, PRECINCT AND PARTY

ONE JUDICIARY SQUARE
441 4TH STREET, NW SUITE 250N
WASHINGTON, DC 20001
(202) 727-2525
<http://www.dcboee.org>



D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 1 REGISTRATION SUMMARY
As Of JANUARY 31, 2013

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
20	1,475	42	14	0	12	245	1,788
22	3,681	302	31	0	10	1,014	5,038
23	2,814	168	65	1	9	775	3,832
24	2,627	260	37	0	10	865	3,799
25	4,172	480	80	0	7	1,389	6,128
35	3,668	238	73	0	13	1,153	5,145
36	4,493	298	82	0	19	1,254	6,146
37	3,279	158	57	0	9	779	4,282
38	2,806	139	62	0	10	764	3,781
39	4,276	224	107	2	19	1,110	5,738
40	3,946	235	104	1	27	1,224	5,537
41	3,397	210	69	0	23	1,111	4,810
42	1,866	63	32	2	7	512	2,482
43	1,725	73	26	0	4	376	2,204
137	945	57	12	0	6	216	1,236
TOTALS	45,170	2,947	851	6	185	12,787	61,946

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 2 REGISTRATION SUMMARY
As Of JANUARY 31, 2013

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
2	712	173	6	0	11	467	1,369
3	1,490	452	17	1	11	753	2,724
4	1,707	483	9	1	7	864	3,071
5	2,284	780	23	1	9	949	4,046
6	2,723	1,157	30	1	23	1,734	5,668
13	1,399	304	7	0	2	522	2,234
14	3,128	494	28	0	13	1,163	4,826
15	3,332	364	27	4	16	1,052	4,795
16	3,879	439	38	3	12	1,130	5,501
17	4,986	716	48	3	35	1,748	7,536
129	2,045	368	16	1	5	844	3,279
141	2,535	273	29	0	10	764	3,611
143	1,701	462	12	0	9	716	2,900
TOTALS	31,921	6,465	290	15	163	12,706	51,560

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 3 REGISTRATION SUMMARY
As Of JANUARY 31, 2013

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
7	1,239	438	16	0	3	587	2,283
8	2,413	714	25	1	9	818	3,980
9	1,228	559	13	2	10	566	2,378
10	1,742	487	9	0	10	701	2,949
11	3,503	1,015	47	3	9	1,506	6,083
12	515	217	4	0	4	228	968
26	3,018	399	32	2	5	1,025	4,481
27	2,613	323	19	1	6	660	3,622
28	2,521	657	34	1	9	964	4,186
29	1,371	303	17	0	4	501	2,196
30	1,352	269	19	0	5	314	1,959
31	2,414	382	21	0	9	637	3,463
32	2,894	423	31	2	7	721	4,078
33	3,113	427	36	1	12	865	4,454
34	3,861	584	29	0	12	1,349	5,835
50	2,244	337	20	2	11	550	3,164
136	912	141	10	0		373	1,436
138	2,345	362	23	0	3	655	3,388
TOTALS	39,298	8,037	405	15	128	13,020	60,903

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 4 REGISTRATION SUMMARY
As Of JANUARY 31, 2013

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
45	2,289	79	46	1	8	477	2,900
46	3,188	92	32	0	14	650	3,976
47	3,203	171	36	2	15	840	4,267
48	2,980	154	36	0	11	647	3,828
49	919	51	17	0	6	224	1,217
51	3,376	618	26	0	11	730	4,761
52	1,362	266	6	0	2	268	1,904
53	1,271	80	20	0	4	311	1,686
54	2,482	114	39	0	7	553	3,195
55	2,738	82	38	0	15	518	3,391
56	3,365	105	36	0	15	781	4,302
57	2,816	97	36	0	17	532	3,498
58	2,505	66	24	0	4	447	3,046
59	2,824	99	38	1	8	454	3,424
60	2,336	97	22	0	8	740	3,203
61	1,817	62	20	0	3	326	2,228
62	3,398	157	30	0	5	416	4,006
63	3,584	139	64	0	14	696	4,497
64	2,436	65	17	1	6	368	2,893
65	2,834	71	20	0	9	393	3,327
Totals	51,723	2,665	603	5	182	10,371	65,549

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 5 REGISTRATION SUMMARY
As Of JANUARY 31, 2013

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
19	4,206	205	61	0	13	986	5,471
44	3,047	249	33	1	17	695	4,042
66	5,028	147	38	0	11	604	5,828
67	3,245	127	24	0	9	435	3,840
68	2,047	187	33	0	7	447	2,721
69	2,395	84	17	0	10	293	2,799
70	1,674	76	21	0	3	284	2,058
71	2,652	73	36	0	9	388	3,158
72	4,858	131	30	1	15	812	5,847
73	2,022	112	34	2	6	392	2,568
74	4,406	199	66	0	10	866	5,547
75	3,337	123	48	0	8	680	4,196
76	1,281	54	14	0	4	262	1,615
77	3,205	126	40	0	11	563	3,945
78	3,050	81	34	0	9	486	3,660
79	2,093	66	12	0	8	378	2,557
135	3,192	186	52	1	16	592	4,039
139	2,348	48	12	0	6	252	2,666
TOTALS	54,086	2,274	605	5	172	9,415	66,557

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 6 REGISTRATION SUMMARY
As Of JANUARY 31, 2013

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	4,364	406	50	0	21	1,109	5,950
18	4,196	252	50	0	15	916	5,429
21	1,137	56	18	0	4	267	1,482
81	5,116	374	53	0	20	1,023	6,586
82	2,667	272	25	0	11	587	3,562
83	3,906	425	41	0	14	947	5,333
84	2,075	454	31	0	11	653	3,224
85	2,899	580	28	1	9	870	4,387
86	2,362	289	28	1	6	543	3,229
87	2,945	234	30	1	12	594	3,816
88	2,245	337	22	0	6	562	3,172
89	2,718	748	32	1	8	879	4,386
90	1,700	285	13	2	6	523	2,529
91	4,269	383	48	0	21	1,027	5,748
127	4,184	297	55	0	13	938	5,487
128	2,265	215	32	1	10	660	3,183
130	871	364	10	0	3	349	1,597
131	1,657	419	14	1	5	585	2,681
142	1,404	174	19	0	4	427	2,028
TOTALS	52,980	6,564	599	8	199	13,459	73,809

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 7 REGISTRATION SUMMARY
As Of JANUARY 31, 2013

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
80	1,768	87	18	0	8	297	2,178
92	1,698	42	13	0	10	244	2,007
93	1,671	46	15	0	6	236	1,974
94	2,114	57	17	0	3	272	2,463
95	1,816	52	21	0		314	2,203
96	2,506	76	28	0	7	381	2,998
97	1,585	35	13	0	4	201	1,838
98	1,983	44	23	0	5	267	2,322
99	1,558	44	13	0	5	233	1,853
100	2,198	42	15	0	5	282	2,542
101	1,833	37	21	0	5	205	2,101
102	2,605	56	28	0	7	326	3,022
103	3,784	98	40	0	14	577	4,513
104	3,053	83	28	0	12	452	3,628
105	2,539	62	27	0	4	389	3,021
106	3,311	79	23	0	7	467	3,887
107	1,910	58	17	0	4	296	2,285
108	1,270	41	9	0	2	140	1,462
109	1,085	40	9	0	1	116	1,251
110	4,308	131	36	0	11	504	4,990
111	2,685	65	29	0	9	392	3,180
113	2,501	79	19	0	5	311	2,915
132	2,304	65	17	0	2	364	2,752
TOTALS	52,085	1,419	479	0	136	7,266	61,385

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 8 REGISTRATION SUMMARY
As Of JANUARY 31, 2013

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
112	2,347	71	13	0	7	334	2,772
114	3,439	111	30	0	22	566	4,168
115	3,268	79	27	0	12	684	4,070
116	4,317	117	44	0	18	683	5,179
117	2,075	56	18	0	9	321	2,479
118	2,939	84	35	0	10	450	3,518
119	3,149	134	49	0	12	605	3,949
120	2,061	49	22	0	5	345	2,482
121	3,593	89	40	0	14	593	4,329
122	2,076	52	20	0	6	314	2,468
123	2,664	132	26	0	14	497	3,333
124	2,918	70	18	0	5	406	3,417
125	5,028	131	47	0	15	798	6,019
126	4,138	137	41	0	17	749	5,082
133	1,546	46	10	0	5	197	1,804
134	2,457	51	32	0	7	328	2,875
140	2,158	70	17	0	9	337	2,591
TOTALS	50,173	1,479	489	0	187	8,207	60,535

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION ACTIVITY

For voter registration activity between 12/31/2012 and 1/31/2013

NEW REGISTRATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Beginning Totals	376,825	31,816	4,322	1	1,506	87,066	501,536
BOEE Over the Counter	109	11	0	0	1	35	156
BOEE by Mail	160	9	7	0	1	54	231
BOEE Online Registration	189	25	3	1	1	63	282
Department of Motor Vehicle	631	88	4	0	1	254	978
Department of Disability Services	3	0	0	0	0	1	4
Office of Aging	1	0	0	0	0	0	1
Federal Postcard Application	0	0	0	0	0	0	0
Department of Parks and Recreation	0	0	0	0	0	0	0
Nursing Home Program	0	0	0	0	0	0	0
Dept, of Youth Rehabilitative Services	0	0	0	0	0	0	0
Department of Corrections	9	0	0	0	0	1	10
Department of Human Services	14	1	0	0	0	2	17
Special / Provisional	143	10	0	0	0	33	186
All Other Sources	17	1	0	0	0	5	23
+Total New Registrations	1,276	145	14	1	4	448	1,888

ACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Reinstated from Inactive Status	146	2	0	0	0	13	161
Administrative Corrections	29	0	0	1	0	203	233
+TOTAL ACTIVATIONS	175	2	0	1	0	216	394

DEACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Changed to Inactive Status	120	6	3	0	1	28	158
Moved Out of District (Deleted)	29	4	0	0	0	13	46
Felon (Deleted)	0	0	0	0	0	0	0
Deceased (Deleted)	63	8	1	0	0	7	79
Administrative Corrections	1,007	84	6	1	3	188	1,289
-TOTAL DEACTIVATIONS	1,219	102	10	1	4	236	1,572

AFFILIATION CHANGES	DEM	REP	STG	LIB	OTH	N-P
+ Changed To Party	515	58	19	53	10	214
- Changed From Party	-136	-69	-24	0	-164	-477
ENDING TOTALS	377,436	31,850	4,321	54	1,352	87,231

DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS

Public Notice of Proposed Polling Place Relocation

The Board of Elections and Ethics hereby gives public notice, in accordance with D.C. Official Code ' 1-309.10, of proposed action taken at its February 6, 2013 meeting in relocating Precinct #5, Ward 2 Polling Place.

The public is advised that the proposed voting area for Precinct #5 will be changed from:

**Christ Episcopal Church
3116 O Street, N.W.
“Keith Hall”**

and moved to:

**Georgetown Neighborhood Library
3260 R Street, N.W.
“Large Meeting Room”**

The relocation was proposed when the Board learned that the facility would not be available for use on the dates requested

Please note that the relocation will be effective beginning with the upcoming April 23, 2013, Special Election. If you have any comments on this matter, please contact Mr. Arlin Budoo at 727-5704 **no later than Monday, March 4, 2013** so that they may be considered before official notice is given to registered voters in the precinct. The Board will take final action on this matter at its regular board meeting scheduled for 10:30 a.m. Wednesday, March 6, 2013. The Board will individually notify all registered voters in the precinct of this change, subsequent to the Board’s final action.

For further information, members of the public may contact the Board of Elections and Ethics at 727-2525.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS

Public Notice of Proposed Polling Place Relocation

The Board of Elections and Ethics hereby gives public notice, in accordance with D.C. Official Code ' 1-309.10, of proposed action taken at its February 6, 2013 meeting in relocating Precinct #28, Ward 3 Polling Place.

The public is advised that the proposed voting area for Precinct #28 will be changed from:

Church of the Annunciation
3810 Massachusetts Avenue, N.W.
“Parish Center”

and moved to:

St. Sophia’s Greek Orthodox Cathedral Church
3600 Massachusetts Avenue, N.W.
“Church Hall”

The relocation was proposed when the Board learned that the facility would not be available for use on the dates requested

Please note that the relocation will be effective beginning with the upcoming April 23, 2013, Special Election. If you have any comments on this matter, please contact Mr. Arlin Budoo at 727-5704 **no later than Monday, March 4, 2013** so that they may be considered before official notice is given to registered voters in the precinct. The Board will take final action on this matter at its regular board meeting scheduled for 10:30 a.m. Wednesday, March 6, 2013. The Board will individually notify all registered voters in the precinct of this change, subsequent to the Board’s final action.

For further information, members of the public may contact the Board of Elections and Ethics at 727-2525.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS

Public Notice of Proposed Polling Place Relocation

The Board of Elections and Ethics hereby gives public notice, in accordance with D.C. Official Code ' 1-309.10, of proposed action taken at its February 6, 2013 meeting in relocating Precinct #77, Ward 5 Polling Place.

The public is advised that the proposed voting area for Precinct #77 will be changed from:

**Delta Towers Apartments
1400 Florida Avenue, N.E.
“Community Room”**

and moved to:

**Joseph H. Cole Recreation Center
1299 Neal Street, N.E.
“Meeting Rooms”**

The relocation was proposed when the Board received numerous complaints about the small space and long lines.

Please note that the relocation will be effective beginning with the upcoming April 23, 2013, Special Election. If you have any comments on this matter, please contact Mr. Arlin Budoo at 727-5704 **no later than Monday, March 4, 2013** so that they may be considered before official notice is given to registered voters in the precinct. The Board will take final action on this matter at its regular board meeting scheduled for 10:30 a.m. Wednesday, March 6, 2013. The Board will individually notify all registered voters in the precinct of this change, subsequent to the Board's final action.

For further information, members of the public may contact the Board of Elections and Ethics at 727-2525.

**DEPARTMENT OF EMPLOYMENT SERVICES
OFFICE OF YOUTH PROGRAMS**

NOTICE OF FUNDS AVAILABILITY

Summer Youth Employment Program 2013

The District of Columbia Department of Employment Services (DOES) is soliciting grant applications to support the delivery of a variety of workforce exploration and experience based programs that will provide purposeful and developmentally appropriate employment and career exploration opportunities. Applicant organizations must employ the youth development philosophy in their approach and program design. DOES is seeking proposals for high quality summer youth employment programs that will help improve the outcomes for the District's youth. The Summer Youth Employment Program strives to:

- Offer District youth an opportunity to develop the skills, attitudes, and commitment necessary to succeed in today's world of work.
- Provide a mechanism through which eligible youth can earn money, gain meaningful work experience, participate in skills training workshops, and be exposed to various careers.
- Enhance basic academic, occupational, and other skills necessary for youth to obtain and maintain long-term employment.
- Help youth make a smooth transition from school to career and/or higher education.

Programs will be required to deliver project-based learning components as part of their programming. Project-based learning engages and motivates participants in active learning processes by using real problems, materials, and tasks to produce outcomes as opposed to "make work" activities. In order to create a standardized model of summer youth employment, and allow the outcomes from summer youth programming to be more easily codified, applicants are required to provide skills training to reinforce the goals set for the Summer Youth Employment Program.

Applicants must select one of the four Growth Industry Sector Program Categories listed below:

- Agricultural/Environmental
- Information Technology/Telecommunications
- Media/Publications/Communications/Entertainment
- Business/Professional

Applicants must select two of the five Project-Based Learning Components listed below:

- Employability Skills Training
- Work Readiness Training
- Academic Enrichment
- Career Exploration and Awareness
- Leadership Skills

Eligibility: Organization's primary vision and program focus must be serving children, youth and/or families within the District of Columbia. Organization must be in good financial standing with the DC Office of Tax and Revenue and the Internal Revenue Service, as well as, follow all appropriate financial reporting standards. Organizations cannot be listed on the federal or district excluded parties' lists.

Length of Awards: Grant awards will be made for a period of six months. Duration of actual SYEP 2013 program is six (6) weeks.

Available Funding for Awards: Total budgets for proposed summer youth employment programming must fall between \$10,000 (serving 25 participants) and \$32,000 (serving 80 participants) based on the established per participant rate of \$400.00.

Anticipated Number of Awards: DOES anticipates making at least two awards and may make multiple awards depending on funding availability. The Request for Applications (RFA) will be released on **Thursday, February 21, 2013**. The RFA will be available on the DOES website, www.does.dc.gov, by contacting the DOES Grants Office at doesgrants@dc.gov. It will also be posted on the District's Grant Clearinghouse website at: <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse>. For additional information, contact Thennie Freeman at Thennie.Freeman2@dc.gov or the DOES Grants Office at doesgrants@dc.gov.

The deadline for submission is Friday, March 22, 2013 2:00pm EST.

THE DISTRICT DEPARTMENT OF THE ENVIRONMENT**Notice of Funds Availability****District of Columbia Renewable Energy Incentive Program**

Pursuant to section 209 of the Clean and Affordable Energy Act of 2008, the Renewable Energy Incentive Program (REIP) provides rebates to District of Columbia organizations, businesses, and individuals to support the installation of renewable energy technologies. The REIP is administered by the District Department of the Environment (DDOE).

With the passage of the Sustainable DC Act of 2012, REIP is authorized to support solar technologies in the District during fiscal year 2013. Beginning February 11, 2013, the REIP will begin reviewing applications and disbursing incentives for photovoltaic and thermal technologies located in the District. The incentive structure for FY 2013 are as follows:

Market Rate Solar Incentives:

Photovoltaic

- \$0.50/watt for photovoltaic systems, with a cap of \$10,000 (equivalent to 20kW)

Thermal

- 20% of total system cost up to \$2,000 for residential thermal
- 20% of total system cost up to \$6,000 for non-residential thermal systems

For Qualified Low-Income Applicants:

Photovoltaic

- \$3.00/watt for photovoltaic systems, with a cap of \$10,000

Thermal

- Solar Thermal (water heating) system - 30% of total installed cost up to \$5,000
- Solar Thermal (space heating) system - 30% of total installed cost up to \$2,000
- Solar Thermal (combination) system - 30% of total installed cost up to \$5,000

The program operates on a first-come, first-served basis until all funds are committed for the fiscal year ending September 30, 2013.

For more information, please visit www.ddoe.dc.gov or contact the DDOE Energy Administration at 202.535.2600 or send an email to green.energy@dc.gov.

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 an air quality permit (#6659) to Lafarge Mid-Atlantic LLC to construct and operate one (1) portable batch concrete plant with associated 2.8 MMBTU/hr No. 2 fuel oil fired hot water heater at 888 New Jersey Avenue SE, Washington, DC 20003. The contact person for the facility is Jeffrey Thornburg, Environmental Manager, at (443) 834-0500. The applicant's mailing address is 300 East Joppa Road, Suite 200, Towson, VA 20286.

Emissions:

Maximum emissions from the equipment, operating ten (8) hours per day for two hundred fifty (226) days, are expected to be as follows:

	Maximum Annual Emissions
Pollutant	(tons/yr)
Particulate Matter (PM) (Total)	0.97
Sulfur Oxides (SO _x)	0.13
Nitrogen Oxides (NO _x)	0.36
Volatile Organic Compounds (VOC)	0.01
Carbon Monoxide (CO)	0.10

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

- a. Emissions of dust shall be minimized in accordance with the requirements of 20 DCMR 605 and the "Operational Limitations" of the permit.
- b. The emission of fugitive dust from any material handling, screening, crushing, grinding, conveying, mixing, or other industrial-type operation or process is prohibited. [20 DCMR 605.2]
- c. The discharge of particulate matter into the atmosphere from any process shall not exceed three hundredths (0.03) grains per dry standard cubic foot of the exhaust. [20 DCMR 603.1]
- d. Visible emissions shall not be emitted into the outdoor atmosphere from stationary sources; provided, that the discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, soot

blowing, adjustment of combustion controls, or malfunction of the equipment. [20 DCMR 606.1]

- e. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

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

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

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

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

No written comments or hearing requests postmarked after March 18, 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 #6690 to the George Washington University to operate one (1) Detroit Diesel fire pump engine located at City Hall, 950 24th Street, NW, Washington, DC. The contact person for the facility is James Schrote, Executive Director, Facilities Services, at (202) 994-0543.

The proposed emission limits are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from the fire pump 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]
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated emissions from the units are as follows:

Pollutant	Emissions (lb/hr)	Maximum Annual Emissions (tons/yr)
Particulate Matter<10 microns (PM10)	0.262	0.0655
Sulfur Oxides (SO _x)	0.00130	0.000326
Nitrogen Oxides (NO _x)	0.304	0.0760
Volatile Organic Compounds (VOCs)	0.0323	0.14
Carbon Monoxide (CO)	0.803	0.201

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

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air

quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed 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 March 18, 2013 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT**NOTICE OF PUBLIC MEETING****District of Columbia v. Potomac Electric Power Company and PEPCO Energy Services, Inc.**

Notice is hereby given that on March 2, 2013 the Community Advisory Group (“CAG”) developed for the case of District of Columbia v. Potomac Electric Power Company and Pepco Energy Services, Inc., will meet. The CAG was created to help the District Department of the Environment (“DDOE”) and Pepco’s plans to conduct community outreach regarding the environmental investigation of the Pepco facility located at 3200 Benning Road N.E., Washington, D.C. 20019.

The meeting will be held from 10:00 AM to 12:00 PM at the River Terrace Elementary School, located at 420 34th St. NE, Washington, DC 20019.

Electronic copies of documents related to the investigation are available on the DDOE website under the heading “Pepco Benning Road Plans and Deliverables” (<http://ddoe.dc.gov/page/pepco-benning-road-facility-plans-and-deliverables>).

DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Massage Therapy (“Board”) hereby gives notice of its special meeting pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2001) (“Act”).

The special meeting of the Board will be held on Thursday, February 28, 2013 from 1:30PM to 4:30PM. The meeting will be open to the public from 1:30 pm until 2:30 pm to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed from 2:30 pm until 4:30 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

Subsequent to this meeting, the Board will hold its regular meeting bi-monthly on the third Thursday of the month from 1:30PM to 4:30PM. The meetings will be open to the public from 1:30 pm until 2:30 pm to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed from 2:30 pm until 4:30 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations. The Board’s regular meetings for 2013 will be held as follows:

March 21, 2013
May 16, 2013
July 18, 2013
September 19, 2013
November 21, 2013

The meetings will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health Events link at <http://doh.dc.gov/events> for additional information.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION**

Certification and Notice of Rent Adjustment of General Applicability

EFFECTIVE MAY 1, 2013

1. Pursuant to Section 206(b) of the Rental Housing Act of 1985, D.C. Law 6-10, the Rental Housing Commission shall determine an adjustment of general applicability in the rent of the rental units established by Section 206(a), which shall be equal to the change during the previous calendar year in the Washington, D.C. Standard Metropolitan Statistical Area (SMSA) ¹ Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for All Items.
2. Pursuant to Section 206(b) of the Rental Housing Act of 1985, the Commission determined that the Washington-Baltimore (SMSA) CPI-W for All Items increased by 2.2% during the previous calendar year.
3. Accordingly, the Rental Housing Commission determined that the change during calendar year 2012, in the Washington-Baltimore SMSA CPI-W for All Items was 2.2%.
4. Pursuant to the requirements of Section 202(a)(3) of the Rental Housing Act of 1985, D.C. Law 6-10, the Rental Housing Commission hereby certifies and gives notice that the rent adjustment of general applicability to become effective on May 1, 2013, shall not exceed 2.2% of the rent in effect on April 30, 2013.

I. The Rental Housing Commission and the Rent Administrator are mandated by the Rental Housing Act of 1985 (Act), D.C. OFFICIAL CODE § 42-3501.01-3509.07 (2001), to annually calculate and publish in the D.C. Register the percentage change in the Washington, D.C., Standard Metropolitan Statistical Area Consumer Price Index for All Items. D.C. OFFICIAL CODE §§ 42-3502.02(a)(3), 3502.04(k), 3502.06(b) (2001).

The Act does not comply with two changes in the publication by the Department of Labor (DOL), Bureau of Labor Statistics (BLS), which publishes the CPI-W statistics and determines what areas will be in the Standard Metropolitan Statistical Area. First, DOL/BLS enlarged the geographical areas included with Washington, D.C., in the local Standard Metropolitan Statistical Area and second, the name of the DOL/BLS statistical document was changed. Originally, the Standard Metropolitan Statistical Area included only three jurisdictions, which were Washington, D.C., Maryland, and Virginia. The statistical document issued by DOL/BLS, and used by both the Rent Administrator and the Rental Housing Commission was named "Consumer Price Index. Urban Wage Earners and Clerical Workers (CPI-W), Washington, DC-MD-VA, All Items." That publication was discontinued, and now the DOL/BLS publication is the "Consumer Price Index, Urban Wage Earners and Clerical Workers (CPI-W), Washington-Baltimore, DC-MD-VA-WV, All Items." The difference is the inclusion of the state of West Virginia and the city of Baltimore, Maryland into the Standard Metropolitan Statistical Area with Washington, D.C.

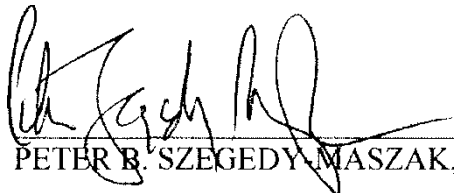
THE RENTAL HOUSING COMMISSION 2013 RESOLUTION**for****THE CHANGE IN THE CONSUMER PRICE INDEX, URBAN WAGE EARNERS AND CLERICAL WORKERS- (CPI-W), WASHINGTON-BALTIMORE, DC-MD-VA-WV, ALL ITEMS**

It is hereby resolved by the Rental Housing Commission this 22^d day of January, 2013

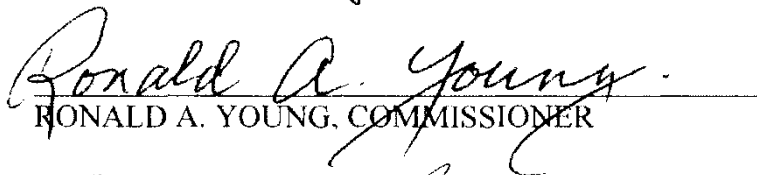
1. Whereas, effective January 1998, the United States Department of Labor eliminated the "Washington, D.C. Standard Metropolitan Statistical Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for All Items," which was published bi-monthly in odd numbered months ending with November each year, and initiated the "Consumer Price Index, Urban Wage Earners and Clerical Workers (CPI-W), Washington-Baltimore, DC-MD-VA-WV, All Items," which includes the city of Washington, D.C., and the states of Maryland, Virginia, and West Virginia, hereinafter referred to as Washington-Baltimore, that is published bi-monthly in odd numbered months ending in November each year;
2. Whereas, pursuant to Section 206(b) of the Rental Housing Act of 1985, D.C. Law 6-10, the Rental Housing Commission is mandated to determine the change, during the twelve months of calendar year 2012 in the Washington-Baltimore Standard Metropolitan Statistical Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for All Items;
3. Whereas, pursuant to the requirements of Section 206(b) of the Rental Housing Act of 1985, D.C. Law 6-10, the Rental Housing Commission used the reported CPI-W for calendar year 2012 in the Washington-Baltimore Standard Metropolitan Statistical Area (SMSA) Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for All Items;
4. Be it resolved that the Commission determined the 2013 change in the CPI-W for the Washington-Baltimore SMSA was 2.2%.
5. Pursuant to the requirements of Section 202(a)(3) of the Rental Housing Act of 1985, D.C. Law 6-10:²
 - (a) The Rental Housing Commission hereby certifies that the rent adjustment of general applicability, to become effective on May 1, 2013 shall not exceed 2.2% of the rents in effect on April 30, 2013; and

² As amended by D.C. Law 16-145, the "Rent Control Reform Amendment Act of 2006." See 53 D.C. Register 6688(Aug. 18, 2006)

- (b) The Rental Housing Commission adopts the Certification and Notice of Rent Adjustment of General Applicability, effective May 1, 2013, in the form annexed hereto and directs its transmittal to the District of Columbia Office of Documents for publication in the District of Columbia Register.



PETER B. SZEGEDY MASZAK, CHAIRMAN



RONALD A. YOUNG, COMMISSIONER



MARTA W. BERKLEY, COMMISSIONER

**DEPARTMENT OF INSURANCE, SECURITIES AND BANKING
DISTRICT OF COLUMBIA FINANCIAL LITERACY COUNCIL**

NOTICE OF PUBLIC MEETING

The Members of the District of Columbia Financial Literacy Council (DCFLC) Resident Affairs Committee will hold a meeting on Thursday, February 21, 2013 at 3:00 pm. The meeting will be held at the Office of Finance and Treasury, Government of the District of Columbia, 1101 4th Street, SW, 8th Floor, Washington, DC 20024. Below is the draft agenda for this meeting. A final agenda will be posted to the Department of Insurance, Securities, and Banking's website at <http://disb.dc.gov>. For additional information, please contact Clarice Wood, 202/727-6055, clarice.wood@dc.gov, or Idriys J. Abdullah @ (202) 442-7832, idriys.abdullah@dc.gov.

Conference call information: Dial-in: 1-866-708-8530 Participant: 8532426#

DRAFT AGENDA

February 21, 2013

- I. Call to Order
- II. Introductions
- III. Progress to Date
- IV. Approach to Collecting Additional Database Information
- V. Committee Assignments
- VI. Announcements
- VII. Adjournment

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF MENTAL HEALTH
NOTICE OF FUNDING AVAILABILITY (NOFA)**

**Independent Mental Health Community Residence Facilities Emergency
Preparedness**

Purpose/Description of Project

The District of Columbia Department of Mental Health (DMH) announces the following grant opportunity. The DMH, Disaster Mental Health Services seeks a housing improvement and/or housing finance intermediary to oversee selection of up to ten (10) eligible Independent Mental Health Community Residence Facilities (MHCRFs) who will receive standby backup generators for their facilities. The grant will help MHCRFs better respond to the DMH All Hazards Response Plan and Continuity of Operations Plan (COOP) to assure the safety and security of the consumers with mental illness residing in MHCRFs.

This is a pilot project with the purpose of ensuring safety and continuity of operations for persons living in MHCRFs through the installation of emergency standby generators in 7-10 MHCRFs. The successful Applicant will be a housing improvement and/or housing finance intermediary with demonstrated experience in administration of housing development, construction or improvement projects in the District of Columbia. The Grantee will be responsible for the overall project including: application development and the solicitation, review and selection of eligible MHCRFs; the identification of qualified generator vendors and installers; monitoring the installation of emergency standby generators in independent MHCRFs; and payment of generator vendors upon satisfactory completion.

Eligibility

Eligibility criteria for the Grantee include the following:

- 1) Substantial experience and/or expertise working with housing or housing improvements for low-to-moderate income residents or special populations of the District of Columbia.
- 2) Experience and demonstrated skill in providing recoverable grants and/or loans to help owners update and/or renovate housing.
- 3) Ability to move quickly with project start up, as project completion date is 6/30/13.
- 4) Sound organizational structure with adequate staff, technical and recordkeeping ability to comply with legal and sub-grant requirements.
- 5) Current compliance with all applicable District of Columbia and regulatory standards including tax and Clean Hands requirements.
- 6) Ability to enter into an agreement with DMH requiring compliance with District of Columbia regulations governing sub-grant awards (1 DCMR Chapter 50).

- 7) Ability to comply with Grant Application requirements set forth in this Request for Applications and to meet federal and District requirements for compliance with HIPAA regulations and the District of Columbia Mental Health Information Act as applicable.

Review Factors:

The review factors for the proposed award include the following:

- 1) Comprehensiveness including soundness of proposed delivery plan.
- 2) Management experience and qualifications including demonstrated capability for managing proposed project.
- 3) Adequacy of resources and mandatory Attachments.
- 4) Demonstrated experience and skill working with housing development, construction for District of Columbia low-to-moderate-income residents or other special needs populations.
- 5) Demonstration of organization's experience working with licensed or certified contractors on similar projects.
- 6) Demonstrated experience in awarding grants, loans, or other awards, including application preparation, dissemination, review and selection of awardees.
- 7) Demonstrated ability to provide quick project start up to meet the aggressive timeline.
- 8) Demonstrated compliance and good standing with all applicable District of Columbia Regulations.
- 9) Grant Applicant is invited to address any ways in which it will continue to assist independent MHCRFs after the grant period has ended.

Review factors will be more fully detailed in the Request for Application (RFA).

Length of Award

The proposed grant award to the successful Grantee will extend through June 30, 2013.

Available Funding

The estimated total funding available for the grant award through June 30, 2013 is \$77,220.00 total including a \$7,000.00 administrative fee for Grantee costs and \$70,220.00 intended for direct costs for project. The source of funding is federal grant funding awarded to the District of Columbia Department of Health, Health Emergency Preparedness Administration and transferred to DMH. There will be one award for this pilot project, which shall be subject to all laws, regulations and conditions applicable to sub-grants of federal grant funds.

Time and Location to Obtain RFA.

The Request for Applications (RFA) will be available on Tuesday February 19, 2013, no later than 2 p.m., and may be picked up at the reception desk of the Department of Mental Health located at 64 New York Avenue, NE, 3rd Floor, Washington, DC 20002, Monday through Friday between 9am and 4pm. A copy of the RFA will also be forwarded to the Office of Partnerships and Grant Services (OPGS) for publication in the weekly *Funding Alert* and posting on the District's Grants Clearinghouse of the OPGS website at: opgs.dc.gov.

Application Submission:

Completed applications may be submitted via e-mail to kevin.obrien@dc.gov, by 4:30 p.m. on Friday March 15, 2013, provided required documents are signed and scanned; or hand delivered by 4:30 p.m. on March 15, 2013 to 64 New York Avenue, NE, (3rd floor reception area, Washington, DC 20002 **Attention:** Dr. Kevin O'Brien. Mailed applications must be postmarked before midnight, March 12, 2013. **Late or incomplete applications will not be forwarded for review.**

Questions Regarding NOFA or RFA

The deadline for submitting written questions is at 4:30 pm on February 28, 2013. All written questions concerning this NOFA/RFA will receive a written response by March 5, 2013. Inquiries regarding this NOFA/RFA, should be directed to kevin.obrien@dc.gov, or Dr. Kevin O'Brien, Director Disaster Mental Health Services, Department of Mental Health, 64 New York Avenue, NE, 3rd Floor, Washington, D.C. 20002. Phone: (202) 671-0347.

DISTRICT OF COLUMBIA RETIREMENT BOARD
ANNUAL OPEN PUBLIC MEETING SCHEDULE

February 12, 2013

The District of Columbia Retirement Board (DCRB) holds Open Board of Trustee meetings on the third Thursday of each month at 1:00 p.m., unless otherwise specified. The meetings will be held in the DCRB Board Room (2nd floor) at 900 7th Street, N.W., Washington, D.C 20001. The meeting place and time are subject to change without prior notice.

Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled. For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or Deborah.Reaves@dc.gov.

2013 Annual Open Board Meeting Schedule

January 17, 2013

February 21, 2013

March 21, 2013

April 25, 2013

May 16, 2013

June 20, 2013

July 18, 2013

September 19, 2013

October 17, 2013

November 21, 2013

December 19, 2013

DISTRICT OF COLUMBIA RETIREMENT BOARD**NOTICE OF OPEN PUBLIC MEETING**

February 21, 2013
10:00 a.m.

DCRB Board Room (2nd floor)
900 7th Street, N.W.
Washington, D.C. 20001

The District of Columbia Retirement Board (DCRB) will hold an Open meeting on February 21, 2013, at 10:00 a.m. The meeting will be held in the DCRB Board Room (2nd floor) at 900 7th Street, N.W., Washington, D.C. 20001. A general agenda for the Open Board meeting is outlined below.

Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled. For additional information, please contact Rabinai Carson, Administrative Specialist at (202) 343-3200 or rabinai.carson@dc.gov.

AGENDA

- | | | |
|-------|--|-----------------|
| I. | Call to Order and Roll Call | Chairman Warren |
| II. | Approval of Board Meeting Minutes for January 17, 2012 | Chairman Warren |
| III. | Chairman's Comments | Chairman Warren |
| IV. | General Counsel Report | Ms. Sampson |
| V. | Investment Committee Report | Ms. Blum |
| VI. | Operations Committee Report | Mr. Clarke |
| VII. | Benefits Committee Report | Mr. Suter |
| VIII. | Legislative Committee Report | Mr. Blanchard |
| IX. | Executive Director's Report | Mr. Stanchfield |
| X. | Other Business | Chairman Warren |
| XI. | Adjournment | |

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA

APPOINTMENTS OF NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after March 1, 2013.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on February 15, 2013. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

D.C. Office of the Secretary
Recommended for appointment as a DC Notaries Public

Effective: March 1, 2013

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Akers, Jr.	Scott P.	Self 2023 34th Street, SE	20020
Ansell	Carol D.	Adas Israel Congregation 2850 Quebec Street, NW	20008
Asdorian	Kathleen B.	Counselors Title, LLC 4400 Jenifer Street, Suite 2	20015
Atkinsons, Jr.	Donnell C.	Bank of America 2201 C Street, NW, Room B833	20520
Ballay	Patricia S.	Barnes & Thornburg, LLP 1717 Pennsylvania Avenue, NW, Suite 500	20006
Bartholomew	Anastasia	United States Postal Service 475 L'Enfant Plaza, SW, Room 6444	20260
Beale	Mary C.	Office of the Chief Financial Officer, Office of the General Counsel 1100 4th Street, SW, Suite 770E	20024
Beni	Juanita Arriaga	Olender Reporting 1100 Connecticut Avenue, NW, Suite 810	20036
Brennan	Carey	District Title, A Corporation 1150 Connecticut Avenue, NW, Suite 201	20036
Brooks	Toshiba	Brustein & Manasevit, PLLC 3105 South Street, NW	20001
Brown	Elissa J Lee	Treasury Department FCU 1101 2nd Street, NE	20002
Burrell	Jovan H.	Transit Employees FCU 2000 Bladensburg Road, NE	20018
Buzard	Janice K.	Manatt, Phelps & Phillips 700 12th Street, NW	20005

D.C. Office of the Secretary
 Recommended for appointment as a DC Notaries Public

Effective: March 1, 2013

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Chandlee	Linda M.	Self 520 N Street, SW, Apt. S-518	20024
Chesley, Jr.	Lloyd E. C	Lloyd E. Chesley Jr. Insurance Agency 3500 12th Street, NE	20017
Clarke	Yvonne	Horning Brothers 1350 Connecticut Avenue, NW, Suite 800	20036
Coles	Tiara L.	MC Dean 2951 V Street, NE	20018
Cranford	Donna J.	Parcal & Weiss, P.C. 1008 Pennsylvania Avenue, SE	20003
Cunningham	Susan L.	MedStar Washington Hospital Center 110 Irving Street, NW	20010
Davis	Judy A.	Federal Maritime Commission 800 North Capitol Street, NW	20573
Davis	Patricia M.	Self 455 Massachusetts Avenue, NW, Suite 150-111	20001
Deckelbaum	Todd S.	SettlementCorp 5301 Wisconsin Avenue, NW, Suite 710	20015
Dennis	Kevin L.	Self 612 Whittier Street, NW	20012
Diaz	Melissa Nicole	The Brookings Institution 1775 Massachusetts Avenue, NW	20036
Edet	Inemesit	Self (Dual) 5110 12th Street, NE	20011
Edwards	Nicole	State Farm Insurance 3500 12th Street, NE	20017

D.C. Office of the Secretary
 Recommended for appointment as a DC Notaries Public

Effective: March 1, 2013

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Ellenberger	Geraldine C.	Cleary Gottlieb Steen & Hamilton LLP 2000 Pennsylvania Avenue, NW	20006
Encarnacion	Tomas	Self 2209 1st Street, NW	20001
Eyob	Yonathan	The National Law Journal 1100 G Street, NW, Suite 900	20005
Fintor	Shelley	Goodwin Procter LLP 901 New York Avenue, NW	20001
Gana	Divine C.	Self 7700 Alaska Avenue, NW	20012
Gay	Debbie L.	Department of Homeland Security/Immigration & Customs Enforcement 500 12th Street, SW	20536
Geramifar	Sanam	Tobin, O'Connor & Ewing, LLC 5335 Wisconsin Avenue, NW, Suite 700	20015
Givens	Milton T.	Givens Settlement Services 59 Quincy Place, NW	20001
Gleaton	Erica J.	Self 6013 Clay Street, NE	20019
Gordon, II	Robert D.	Self 7603 Georgia Avenue, NW, Suite 304	20012
Grant	Elvia Faye	Derenberger & Page Reporting, Inc. 1430 S Street, NW	20009
Gray	Brandon J.	PNC Bank 1913 Massachusetts Avenue, NW	20036
Green	Adriana F.	Department of Commerce Federal Credit Union 1401 Constitution Avenue, NW, Suite B-841A	20044

D.C. Office of the Secretary
Recommended for appointment as a DC Notaries Public

Effective: March 1, 2013

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Hackett	Dominique A.	PNC Bank 3806 12th Street, NE	20002
Haney	Susan	Beer Institute 122 C Street, NW, Suite 350	20001
Hodges	Mary	The Aroli Group (The Menkiti Group) 2600 12th Street, NE	20018
Howell	Leonard August	Self (Dual) 806 8th Street, NE, Suite 1	20002
Ingram-White	Cheryl A.	University Legal Service 220 I Street, NE, Suite 130	20002
Jaber	Heather	Fannie Mae 4250 Connecticut Avenue, NW	20008
Jackson	Laura A.	Self 29 Franklin Street, NE	20002
Lee	Karen	Bank Fund Staff FCU 1725 I Street, NW, Suite 150	20006
Levin	Mindy	Heights Analytics 1775 Pennsylvania Avenue, NW, 11th Floor	20006
Levine	Carrie	Citizens for Responsibility and Ethics in Washington 1400 Eye Street, NW, Suite 450	20005
Liban	Laura	PNC Bank 800 17th Street, NW, 3rd Floor	20006
Liu	Mo Jung	TD Bank 801 17th Street, NW	20006
Lyons	Carolyn L.	Cohen, Dippell and Everist, P.C. 1420 N Street, NW, Suite One	20005

D.C. Office of the Secretary
Recommended for appointment as a DC Notaries Public

Effective: March 1, 2013

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MacKnight	Mary Claire	GW Medical Faculty Associates 2150 Pennsylvania Avenue, NW	20037
Malone	Holly Marie	Forest Glen Corp. 2200 Pennsylvania Avenue, NW, Suite 800W	20037
McWilliams	Heather Ann	B'nai B'rith International 2020 K Street, NW	20006
Meyer	Michael Russo	One Source Process 2200 Pennsylvania Avenue, NW, East Tower 4th Floor	20037
Mongal	Tyshena R.	Self 58 Darrington Street, SW	20032
Neal	Alisha	Self 5107 Just Street, NE	20019
Onuosa	Kelly	TD Bank NA 1753 Connecticut Avenue, NW	20009
Ottley	Kadisha	The UPS Store 1736 1220 L Street, NW, Suite 100	20005
Peshkoff	Svetlana A.	Shaw, Bransford & Roth, P.C. 1100 Connecticut Avenue, NW, Suite 1100	20036
Popovic	Saska	Secor Group 1701 Florida Avenue, NW	20009
Portillo	Miguel A. Rosales	Salvador Travel 1764 Columbia Road, NW, 2nd Floor	20009
Ramirez	Rebekah S.H.	Cause of Action 1919 Pennsylvania Avenue, NW, Suite 650	20006
Reese	Matthew	M& T Bank 1680 K Street, NW	20006

D.C. Office of the Secretary
Recommended for appointment as a DC Notaries Public

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Rosenberg	Alex	Cardinal Bank 1776 K Street, NW	20006
Sampson	Tawana	Miller & Chevalier Chartered 655 15th Street, NW, Suite 900	20005
Seth	Maria M.	Sonosky, Chambers, et al 1425 K Street, NW, Suite 600	20005
Shell	Marilyn	Self 561 24th Street, NE	20002
Simmons	Virginia	Finnegan, Henderson, Farabow, Garrett & Dunner, LLP 901 New York Avenue, NW	20001
Sirleaf	Mary F.	Howard University School of Law 2900 Van Ness Street, NW	20008
Smith	Phyllis E.	Population Action International 1300 19th Street, NW, 2nd Floor	20036
Snead	Stephanie Renee	Saint Coletta of Greater Washington 1901 Independence Avenue, SE	20003
Steward-Rush	Ciara S.	Richards Kibbe & Orbe, LLP 701 8th Street, NW, Suite 300	20001
Stewart	Deborah L.	Fourth Street Friendship Church 1611 4th Street, NW	20001
Street	Claudia Mary	Sibley Memorial Hospital 5255 Loughboro Road, NW	20016
Sushner	Steven M.	District Title, A Corporation 1150 Connecticut Avenue, NW, Suite 201	20036
Taylor	Angela	Congressional Federal Credit Union 50 Independence Avenue, SW	20515
Taylor	Erika J.	Jubilee Housing Inc. 1640 Columbia Road, NW	20009

D.C. Office of the Secretary
Recommended for appointment as a DC Notaries PublicEffective: March 1, 2013
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Thomas	Adriainie P.	Eli Lilly and Company 555 12th Street, NW, Suite 650	20004
Trantham	Paul	Self 2345 Skyland Place, SE, Suite 826	20020
Vaughan	Jane I.	Esquire Deposition Solutions 1025 Vermont Avenue, NW	20005
Viands	Kim M.	57 Stars 616 H Street, NW, Suite 450	20001
Walker	Kendall R.	PNC Bank 4100 South Capitol Street, SE	20032
Wilcox	Stephen H.	Medstar Washington Hospital Center 110 Irving Street, NW	20010
Winingham	Heather	Cornerstone Research 1919 Pennsylvania Avenue, NW, Suite 600	20006

**D.C. SENTENCING AND CRIMINAL CODE REVISION COMMISSION
MEETING**

The D.C. Sentencing and Criminal Code Revision Commission hereby gives notice that the Commission will meet at 5:00 p.m. on March 19, 2013, in Suite 430S at 441 Fourth St., N.W. Washington, D.C. Inquiries concerning the meeting may be addressed to Mia Hebb, Staff Assistant, at (202) 727-8822 or Mia.Hebb@dc.gov.

SERVE DC

NOTICE OF FUNDING OPPORTUNITY

2013 AmeriCorps State Formula Grant Competition

Serve DC – The Mayor’s Office on Volunteerism announces the availability of AmeriCorps State Formula funding for Fiscal Year 2013 – 2014 to eligible organizations. Subject to the availability of appropriations for Fiscal Year 2013 (FY2013) new applicants with high-quality proposals will compete with other programs in the D.C area for Formula funds made available through Serve DC. The total amount of an applicant’s grant request must not exceed \$13,300 per Member Service Year. Applicants must request no less than five (5) Member Service Years and \$66,500. For Professional Corps, the applicant’s grant request must not exceed \$2,500 per Member Service Year and must request no less than five (5) Member Service Years and \$12,500.

Following Serve DC’s initial review of all applications, a decision will be made as to which programs Serve DC will recommend to the federal Corporation for National and Community Service (CNCS) for Formula funding consideration. If rejected, applicants will not be eligible to apply for AmeriCorps State funding from Serve DC for one calendar year. Serve DC anticipates notifying Formula awardees by mid-July 2013.

What types of AmeriCorps grants are available in this competition?

The types of AmeriCorps grants in this competition are described below. CNCS and Serve DC will not provide more than one grant for the same project in one fiscal year. Also see the AmeriCorps State and National [Fit Finder](http://www.americorps.gov/fitfinder/) to decide which type of grant aligns with the proposed project (<http://www.americorps.gov/fitfinder/>).

- 1. Formula:** These grants are awarded to fund a portion of program costs and members’ living allowance.
- 2. Professional Corps:** These grants are awarded to organizations that propose to operate a Professional Corps program. Professional Corps programs place AmeriCorps members as teachers, health care providers, police officers, engineers, or other professionals in communities where there is a documented shortage of such professionals. Applicants are eligible to apply for funding for a portion of program costs. Professional Corps member salaries are paid entirely by the organizations with which the members serve, and are not included in the budget.
- 3. Full-time Fixed-amount Grants (Non-EAP):** These grants are awarded to organizations operating in a single state (Washington, DC), including single-state Professional Corps programs. Full-time fixed-amount grants are available for programs that enroll full-time members only. Applicants apply for a fixed amount per Member Service Year (MSY), and use their own or other resources for the remaining cost of the program. There is no match requirement for fixed-amount grants, but organizations must still raise the additional funds needed to run the program.

Full-time fixed-amount grants are only available for new and re-competing applications. Second and third-year continuation applicants with cost reimbursement grants must submit a new application if they are interested in a fixed-amount grant. **Serve DC requires prior approval to submit an application for a fixed-amount grant.**

Full-time fixed-amount grant applicants in the Education Focus Area will be required to select either a Tier 1 Education Measure or Tier 3 Education Pilot Measure. Applicants proposing non-Education programs may select from Tiers 1-5. All performance measures will be negotiated prior to grant selection and award. Approved applicants must agree to participate in any relevant evaluations conducted by CNCS.

4. Education Award Program (EAP) Fixed-amount Grants: These grants are awarded to applicants that apply for a small fixed-amount grant and use their own or other resources for the majority of members’ living allowance and program costs. There is no match requirement for EAP grants. Unlike full-time fixed-amount grants, EAPs may enroll less-than-full-time members in addition to full-time members.

Match Requirements

1. Fixed-Amount Grants: There is no match requirement for fixed-amount grants. However, the fixed-amount grant does not cover all costs. Fixed-amount grantees provide the additional resources needed to operate the program, but are not required to track or report on them.

2. Cost Reimbursement Grants (non-fixed-amount): A first-time successful applicant is required to match at 24 percent for the first three-year funding period. Starting with year four, the match requirement gradually increases every year to 50 percent by year ten, according to the minimum overall share chart found in 45 CFR 2521.60.

Section 121(e)(5) of the National Community Service Act requires that programs that use other federal funds as match for an AmeriCorps grant report the amount and source of these funds to CNCS on the Federal Financial Report.

AmeriCorps Funding Year	1, 2, 3	4	5	6	7	8	9	10+
Grantee Share Requirements	24%	26%	30%	34%	38%	42%	46%	50%

What are the requirements regarding member living allowance?

The proposed budget must include a living allowance for a full-time member is between \$12,100 (minimum) and \$24,200 (maximum) per member except as noted below.

For cost-reimbursement grants, this amount must be included in the proposed budget. The living allowance is not required for members serving in less than full-time terms of service. If a program chooses to provide a living allowance to a less than full-time member, it must comply with the maximum limits in the chart below.

While full-time fixed-amount grant applicants do not submit detailed budgets, they are still required to provide a living allowance to members that comply with the minimum and maximum requirements. Full-time fixed-amount grant applicants are not required to identify that amount in the application.

Table 1: Minimum and Maximum Living Allowance

Service Term	Minimum # of Hours	Minimum Living Allowance	Maximum Total Living Allowance
Full-time	1700	\$12,100	\$24,200
One-year Half-time	900	n/a	\$12,800
Two-year Half-time	900	n/a	\$12,800
Reduced Half-time	675	n/a	\$9,600
Quarter-time	450	n/a	\$6,400
Minimum-time	300	n/a	\$4,260

Criteria for Eligible Applicants: Eligible applicants are local nonprofit organizations and/or state and local units of government. Programs applying to Serve DC for funding *must* operate their program only within the District of Columbia. Organizations that have been convicted of a Federal crime are disqualified from receiving funds. An organization described in Section 501(c)(4) of the Internal Revenue Code, 26 U.S.C. 501(c)(4), that engages in lobbying activities is not eligible to apply, serve as a host site for members, or act in any type of supervisory role in the program. **Individuals are not eligible to apply.**

New Applicants: CNCS and Serve DC encourage organizations that have never received funding from CNCS or AmeriCorps to apply for the grants described in this Notice. New organizations should submit applications commensurate with the community need with the understanding that the general practice is to award no more than 50 member slots for new grantees. All eligible applicants must meet all of the applicable requirements contained in the Request for Applications (RFA). The RFA will be available in late February 2013 on Serve DC's website at www.serve.dc.gov.

The deadline for submission is April 11, 2013, by 5:00 pm. Applications must be entered in to the CNCS eGrants online system and all required hard-copy documents must be submitted to Serve DC. Late applications will not be accepted. An application is considered late at 5:01 p.m. Additionally, applicants are **required** to attend one of the following technical assistance (TA) sessions: February 28, 2013 (new applicants only), and March 20, 2013 (new applicants only) from 5:30-7:30pm in the Frank D. Reeves Municipal Center, Serve DC – The Mayor's Office on Volunteerism, 2000 14th Street, NW, Suite 101, Washington, DC 20009 (**TA sessions will automatically close at 5:45pm. No exceptions will be made and late individuals will not be allowed to enter the office**); March 12, 2013 (conference call, continuation applicants only) from 2pm-3pm, March 13, 2013 (webinar, new applicants only) from 2:30pm-4:30pm, and March 14, 2013 (conference call, competitive to formula applicants only) from 2pm-3pm. Webinar information will only be available to those who RSVP.

For additional information or to RSVP for one of the technical assistance sessions, please contact:

Sarah Watkins
 AmeriCorps Program Officer
 Serve DC – The Mayor's Office on Volunteerism
 Frank D. Reeves Municipal Center
 2000 14th Street, NW, Suite 101
 Washington, DC 20009
sarah.watkins@dc.gov,
 (202) 727-7937

THE ARTS & TECHNOLOGY ACADEMY**INVITATION TO BID****Parking Lot Milling, Paving & Striping**

This solicitation bid package will be available beginning Tuesday, February 19, 2013. You can send your e-mail request to Jason Salsbury (jsalsbury@pmmcompanies.com) or pick up a bid package at the project site Monday through Friday between 9:00 AM and 2:00PM through March 1, 2013. No phone calls please. The bid package includes project specifications and bidding instructions including a pre-bid meeting scheduled for Monday, March 4, 2013 at 10:30 AM at the project site, which is the Arts & Technology Academy Public Charter School – 5300 Blaine Street, N.E., Washington, DC 20019. Bids must be delivered via electronic mail to jsalsbury@pmmcompanies.com by 5:00PM on Monday March 11, 2013.

**DEPARTMENT OF TRANSPORTATION
URBAN FORESTRY ADMINISTRATION
TRAIL RANGER PROGRAM**

NOTICE OF FUNDING AVAILABILITY

Fiscal Year 2013 Grant to Non-Profit Community-Based Organizations

The Urban Forestry Administration (UFA) within the District of Columbia (District) Department of Transportation (DDOT) is soliciting detailed proposals from organizations to manage a new Trail Ranger program. Trail Rangers will patrol the District's 13 miles of multi-use trails for the District and establish volunteer clean up days, report trail maintenance issues, perform basic bike maintenance repairs, report safety concerns and provide trail usage feedback. The purpose of the program will be to provide informational/educational/way finding materials including trail system maps, local trail-related regulations and contact information for District personnel. Cyclists, skaters, and walkers who utilize area trails on a regular basis are the intended customers and users for which the applicant will provide services. The Trail Ranger program is a way to support trail users, keep the local trail system safe and promote active lifestyle choices. The ideal applicant's Trail Rangers will be comfortable distributing trail information to fellow trail users and be enthusiastic about helping the District to improve its extensive trail system.

DDOT intends to make one (1) grant award of up to one hundred thousand dollars (\$100,000) to fund an eligible organization which will expire 9/30/2013. Eligible organizations include any non-profit organizations located in the District. The service and activity to be funded through the grant should have an immediate and direct impact on trails within the District, and meet the requirements of the Trail Ranger Program.

The Request for Application (RFA) will be released on Monday, February 11, 2013. A copy of the RFA may be obtained from UFA's main office located at 55 M St. NE, 6th floor; Washington, DC 20003. In addition, the RFA will also be available on the City Administrator's website, located at <http://www.oca.dc.gov> under the link to the District Grants Clearinghouse. For additional information, please contact Mr. John P. Thomas at (202) 671-5133, or by email at: john.pthomas@dc.gov

The deadline for submission is Friday, February 27th, 2013 at 3:00 p.m.

Applicants are encouraged to attend the Pre-Application conference scheduled for Thursday, February 21st, 2013 from 10:30 a.m. – 12:00 p.m. at the UFA office located at 55 M St. NE, 6th floor; Washington, DC 20003. Applicants interested in attending the Conference should RSVP to John P. Thomas, Trail Ranger Program Monitor, at (202) 671-5133 on or before, February 19th, 2013.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

JOINT MEETING OF THE AUDIT, ADMINISTRATION AND GOVERNANCE AND
BUDGET AND FINANCE COMMITTEES OF THE BOARD OF TRUSTEES

NOTICE OF PUBLIC MEETING

The joint meeting of the Audit, Administration and Governance and Budget and Finance Committees of the Board of Trustees of the University of the District of Columbia will be meeting on Tuesday, February 19, 2013 at 5:30 p.m. The meeting will be held in the Board Room, Third Floor, Administration Building 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. Collective Bargaining and Labor Update**
- III. Closing**

Adjournment*Expected Meeting Closure*

In accordance with Section 405(b) (5) of the Open Meetings Act of 2010, the Audit, Administration and Governance and Budget and Finance Committees of the Board of Trustees hereby give notice that it may conduct an executive session, for the purpose of planning, discussing, or conducting specific collective bargaining negotiations.

UNIVERSITY OF THE DISTRICT OF COLUMBIA
SPECIAL MEETING OF THE BOARD OF TRUSTEES

NOTICE OF PUBLIC MEETING

The special meeting of the Board of Trustees of the University of the District of Columbia will be held on Wednesday, February 20, 2013 at 6:30 p.m. in the Board Room, Third Floor, Administration Building 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. Executive Appointments**
- III. Collective Bargaining and Labor Update**
- IV. Contracts**
- V. Closing Remarks**

Adjournment

Expected Meeting Closure

In accordance with Section 405(b) (5) and (10) of the Open Meetings Act of 2010, the Board of Trustees hereby gives notice that it may conduct an executive session, for the purpose of planning, discussing, or conducting specific collective bargaining negotiations; and discussing the appointment, employment, assignment, promotion, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials.

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

NOTICE OF PUBLIC MEETING

The Student Affairs Committee of the Board of Trustees of the University of the District of Columbia will be meeting on Wednesday, February 20, 2013 at 5:00 p.m. The meeting will be held in the Board Room, Third Floor, Administration Building 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. Health Insurance Update**
- IV. Financial Aid Update**
- V. Veterans Affairs Update**
- VI. Counseling Center Update**
- VII. Transfer Students Focus Group**
- VIII. Student Elections**
- IX. Communications Task Force**
 - a. Town Hall Meetings – Mr. Pooda**
- X. VIII. Closing**

Adjournment

WASHINGTON YU YING PUBLIC CHARTER SCHOOL

REQUESTS FOR PROPOSALS

Project Management

Washington Yu Ying invites all interested parties to submit proposals to provide project management services for the analysis, financing, and construction of a permanent facility 220 Taylor St. NE. Proposals are due no later than 5:00 p.m. on March 4, 2013, and must include evidence of experience and references. Please send proposals to RFP@washingtoneying.org. The complete RFP can be obtained by contacting:

Cheri Harrington or Kate Dart
RFP@washingtoneying.org

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Environmental Quality and Sewerage Services Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Sewerage Services Committee will be holding a meeting on Thursday, February 21, 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.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or lmanley@dcwater.com.

DRAFT AGENDA

- | | |
|--|--|
| I. Call to Order | Committee Chairperson |
| II. AWTP Status Updates
1. BPAWTP Performance | Assistant General Manager,
Wastewater Treatment |
| III. Status Updates | Chief Engineer |
| IV. Project Status Updates | Director, Engineering & Technical
Services |
| V. Action Items
- Joint Use
- Non-Joint Use | Chief Engineer |
| VI. Emerging Items/Other Business | |
| VII. Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Water Quality and Water Services Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Water Quality and Water Services Committee will be holding a meeting on Thursday, February 21, 2013, at 11:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dewater.com.

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 | Committee Chairperson |
| II. Water Quality Monitoring | Assistant General Manager, Consumer Ser. |
| III. Fire Hydrant Upgrade Program | Assistant General Manager, Consumer Ser. |
| IV. Action Items | Assistant General Manager, Consumer Ser. |
| V. Emerging Issues/Other Business | Assistant General Manager, Consumer Ser. |
| VI. Adjournment | Committee Chairperson |

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

Application No. 18341 of Mohammed Sikder, pursuant to 11 DCMR § 3103.2, for a variance from the lot area and lot width requirements of § 401, a variance from the side yard requirements of § 405, and a variance from the lot occupancy requirements of § 403¹, to allow construction of a new one-family detached dwelling in the R-2 Zone District at 4209 Grant Street, N.E. (Square 5092, Lot 31).

HEARING DATE: May 1, 2012
DECISION DATE: May 1, 2012

ORDER DISMISSING APPLICATION

On January 17, 2012, Mohammed Sikder (the “Applicant”) submitted a self-certified application requesting area variances to construct a one-family detached dwelling in the R-2 Zone District at 4209 Grant Street, N.E. (Square 5092, Lot 31) (the “property”). The Board of Zoning Adjustment (“Board”) found that under § 3126.11 of the Zoning Regulations, the Applicant was barred from submitting this application because it was filed within one year from the date on which another application involving the same property and the same relief, was denied. As a result, the Board dismissed this application when it came before the Board on May 1, 2012.

PRELIMINARY AND PROCEDURAL MATTERS

Notice of Filing and Notice of Hearing

By memoranda dated January 19, 2012, the Office of Zoning provided notice of the filing of the application to the Office Planning (“OP”) (Exhibit 12); the affected Advisory Neighborhood Commission (“ANC”) 7D (Exhibit 18); the affected ANC Single-Member District – ANC 7D06 (Exhibit 14); the Councilmember for Ward 7 (Exhibit 15); and the District Department of Transportation (“DDOT”). (Exhibit 16.)

A public hearing was scheduled for May 1, 2012. Pursuant to 11 DCMR § 3113.13, notice of the hearing was mailed to the Applicant, ANC 7D, and owners of all property within 200 feet of the subject property on February 10, 2012. (Exhibits 17, 18, and 19.) In accordance with 11 DCMR § 3113.4, the Applicant provided an affidavit of posting certifying that notice was posted on April 6, 2012 on the subject property, in plain view of the public. (Exhibit 24.)

¹ The Applicant did not request lot occupancy relief under § 403. However, the Office of Planning (“OP”) noted in its report that the proposed lot occupancy would exceed the maximum lot occupancy allowed in the zone. Therefore, the caption is amended to reflect lot occupancy relief as well.

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Parties

The Applicant and the ANC 7D were automatic parties to this proceeding. There were no requests for party status.

Persons in Support/Opposition

No persons appeared to testify in support or in opposition. However, the Board received letters in opposition from three neighboring property owners. (Exhibits 25, 26, and 28.)

Government Reports

Office of Planning

By report dated April 24, 2012, OP recommended approval of the application with conditions. (Exhibit 27) OP's representative, Matt Jessick, testified at the public hearing regarding the subject application and a previous application that was filed by Mr. Sikder, Application No. 18205. In response to Board questions, Mr. Jessick stated that both BZA applications related to the property at 4209 Grant Street, N.E., and that the Applicant's proposal to build a new one-family detached dwelling was the same in both applications. Mr. Jessick stated that the only difference in the two applications was that the current project proposed a two-story dwelling, whereas Application No. 18205 proposed a three-story dwelling. Mr. Jessick testified that the Applicant sought identical zoning relief in the two applications.

District Department of Transportation

DDOT filed a report dated April 13, 2012, stating that it had no objection to the variances sought. (Exhibit 22.)

FINDINGS OF FACT

BZA Application No. 18205

1. The Applicant proposed to build a one-family detached dwelling in the R-2 Zone District at 4209 Grant Street, N.E. (Square 5092, Lot 31).
2. The Applicant filed Application No. 18205 on February 10, 2011 requesting area variances from the lot area and lot width requirements of § 401, the lot occupancy requirements of § 403, and the side yard requirements of § 405.
3. The proposed one-family detached dwelling had three stories.
4. On July 12, 2011, the Board voted to deny the requested relief, finding that the Applicant had not met the third prong of the variance test.

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5. The Board issued a written order denying the application on October 24, 2012.

BZA Application No. 18341

1. The Applicant proposed to build a one-family detached dwelling in the R-2 Zone District at 4209 Grant Street, N.E. (Square 5092, Lot 31).
2. The Applicant filed Application No. 18341 on January 17, 2012 requesting area variances from the lot area and lot width requirements of § 401, and the side yard requirements of § 405.
3. According to OP, the lot occupancy of the proposed structure was 48.2%², whereas a maximum lot occupancy of 40% is permitted. (See, 11 DCMR § 403.2.) Thus, the proposed structure also required lot occupancy relief under § 403.2.
4. The proposed one-family detached dwelling had two stories and a basement, but the footprint was the same as the proposed dwelling in Application No. 18205.
5. On May 1, 2012, the Board voted to dismiss the Application because it was barred under § 3126.11. This provision bars an applicant from filing a new application on the same facts within one year from the date of denial of a previous application.

CONCLUSIONS OF LAW

Section 3126.11 of the Zoning Regulations states in full:

An appellant or applicant whose appeal or application has been denied shall not institute a new appeal or application on the same facts within one (1) year from the date of the order upon the previous appeal or application.

The above provision precludes the Applicant's filing of Application No. 18341. As detailed in the Findings of Fact, the Board denied the Applicant's first application, BZA Application No. 18205, on July 12, 2011 during its deliberations. Before the Board had even issued its written order on October 24, 2012, the Applicant filed a second application on January 17, 2012. However, a strict reading of § 3126.11 barred the filing of a second application on the same facts prior to October 24, 2013. Even if the Board were to use the date of deliberations (July 12, 2011) as the Board's date of denial, a new application on the same facts would have been barred prior to July 12, 2012. The January 17, 2012 filing date for the second application was less than one year after the Board's deliberations of the first application and less than one year after the Board's written order of denial of the first application.

² The Applicant represented that the proposed lot occupancy was only 39%, just under the maximum limit. However, as OP noted, the lot occupancy calculations must include the western side yard area, an area that apparently was not included in the Applicant's calculations.

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The Board now turns to the question of whether the two applications were based “on the same facts” under § 3126.11. After careful examination, the Board finds that the two applications were based upon the same facts. First, the two applications concern the same property: 4209 Grant Street, N.E. Second, in both applications, the Applicant proposed to build a one-family detached dwelling at the property. And, third, in both applications, the identical zoning relief was required: lot area and lot width relief, side yard relief, and lot occupancy relief.

To be sure, the Applicant changed the design in the second application to propose a two-story dwelling instead of the three-story dwelling that was proposed in the first application. However, neither the proposed height nor the proposed number of stories is related to the zoning relief that was sought (i.e., lot area, lot width, lot occupancy, or side yard requirements) in either application. The Board finds that, for purposes of § 3126.11, the material facts had not changed merely because the proposed dwelling had one less story. *See, Appeal No. 16879 of Nebraska Avenue Neighborhood Association* (2002) (Second appeal of revised permit challenging rear yard compliance was based upon same facts as unsuccessful appeal of original permit where changes to original permit drawings affected only the roof plan/structure and did not impact rear yard requirements).

For the reasons stated above, it is hereby **ORDERED** that the application is **DISMISSED** pursuant to § 3126.11 of the Zoning Regulations.

VOTE: 3-1-1 (Konrad W. Schlater, Rashida Y.V. McMurray, and Lloyd J. Jordan to DISMISS; Jeffrey L. Hinkle opposed to the motion to dismiss; Nicole C. Sorg not voting, being necessarily absent.)

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

A majority of the Board members approved the issuance of this Order.

FINAL DATE OF ORDER: February 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.

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

Application No. 18381 of Lawal Abdulganiyu, as amended,* pursuant to 11 DCMR § 3103.2, for a variance from the lot width requirements under section 401, a variance from the side yard requirements under section 405, to construct a detached dwelling in the R-1-B District at premises 4336 Douglas Street, N.E. (Square 5116, Lot 115).

***Note:** The Applicant originally requested variance relief from § 201.1, (in addition to § 401 and § 405) to construct a semi-detached dwelling, however the Applicant revised the original plans to request variance relief to construct a detached dwelling, eliminating the variance from § 201.1, as noted above.

HEARING DATES: July 17, 2012, September 25, 2012, November 2, 2012,
December 18 2012, and February 5, 2013

DECISION DATE: February 5, 2013

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

The Board of Zoning Adjustment (“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”) 7D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7D, which is automatically a party to this application. ANC 7D submitted a report in opposition to the application (Exhibit 41), however because the report did not meet the requirements of §3115 of the Zoning Regulations, it was not entitled to great weight. However, the Board did consider the views of the ANC. The Office of Planning (“OP”) submitted a report related to the original relief (Exhibit 26) and two supplemental reports addressing the revised application. (Exhibits 34 and 44.) In the first report OP recommended denial of the application. (Exhibit 26.) In the second and third reports, OP stated that it cannot recommend approval of the application. The D.C. Department of Transportation stated that it has no objection to the application. (Exhibit 25.)

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 § 3103.2, for variances from §§ 401 and 405. One person requested party status; however the request for party status was withdrawn at the July 17th public hearing. Therefore, no parties appeared at the public

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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 filed in this case, the Board concludes that in seeking variances from §§ 401 and 405, 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 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 requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application, subject to Exhibit No. 42 (revised plans), is hereby **GRANTED**.

VOTE: **4-0-1** (Lloyd J. Jordan, Anthony J. Hood, Nicole C. Sorg, 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: February 7, 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

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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. 18399 of Jewish Primary Day School of the Nation's Capital, Inc. pursuant to 11 DCMR §§ 3103.2 and 3104.1 for a variance from the off-street parking requirements under § 2101.1 and a special exception under § 206 to increase the private school student enrollment cap from 125 to 130 students and to increase the faculty and staff cap from 14 to 26 in the R-1-B District at premises 4715 16th Street, N.W. (Square 2707, Lot 33).¹

HEARING DATES: September 25, 2012

DECISION DATE: November 27, 2012

DECISION AND ORDER

The applicant in this case is The Jewish Primary Day School of the Nation's Capital ("JPDS", "School", or "Applicant"). JPDS filed an application with the Board of Zoning Adjustment ("Board" or "BZA") on April 24, 2012, for a special exception under 11 DCMR § 3104.1 to increase the student enrollment for a private school use located at 4715 16th Street, N.W. (Square 2707, Lot 33) (the "Property") from 125 students to 130 students and to increase the faculty and staff from 15 individuals to 26 individuals. It also seeks a variance under 11 DCMR § 3103.1 from the off-street parking requirements to provide 17 spaces; JPDS proposes to provide seven on-site spaces.

The Board held a public hearing on September 25, 2012. Following the hearing, at its decision meeting on November 27, 2012, the Board voted 4-0-1 to grant the application, subject to conditions.

FINDINGS OF FACT

Preliminary Matters

1. Applicant. The Application was filed by JPDS, a not-for-profit corporation. JPDS is a co-educational day school that was founded in 1988. In 2002, the School moved from Montgomery County, Maryland to the present location of its Main Campus at 6045 16th Street, N.W. JPDS provides education for children in pre-kindergarten through sixth grade. The Applicant is proposing to move its pre-kindergarten, kindergarten, and first grade programs to the Property and to maintain second through sixth grades at its Main Campus. (Exhibit 3.)

¹ Although the Applicant sought to increase the cap on faculty and staff from 15 to 26, the Board notes that the employee cap previously authorized at the subject property was 14. See BZA Order No. 14919 (March 2, 1989), Condition No. 2 at p. 10. The caption has been changed accordingly.

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2. Application. The Applicant plans to establish an Early Childhood Center Campus ("ECCC") at the subject property, where special exception approval of a private school use was originally granted to the Lowell School in 1989. *See* BZA Order No. 14919 (March 2, 1989). This application requests a special exception under 11 DCMR § 3104.1 to increase the student enrollment permitted at the Property from 125 students to 130 students and to increase the faculty and staff from 14 individuals to 26 individuals. The application also requests a parking variance under 11 DCMR § 3103.1 from the requirement to provide 17 off-site spaces; the Applicant will provide seven of the required spaces on-site and 15 spaces off-site. (Exhibits 1 and 3.)
3. Notice of Application and Notice of Public Hearing. By memoranda dated April 27, 2012, the Office of Zoning ("OZ") advised the D.C. Office of Planning ("OP"), the Zoning Administrator, the District of Columbia Department of Transportation ("DDOT"), the Councilmember for Ward 4, Advisory Neighborhood Commission ("ANC") 4C, the ANC within which the Property is situated, and the Single Member District Commissioner, ANC 4C02, of the application. (Exhibits 16 - 20.)
4. Notice. Pursuant to 11 DCMR § 3113.13, the OZ mailed the Applicant, the owners of all property within 200 feet of the Property, and ANC 4C, notice of the September 25, 2012, hearing. Notice was also published in the *D.C. Register* on June 22, 2012 (59 DCR 7485). The Applicant's affidavits of posting and maintenance indicate that three zoning posters were posted at the Property beginning on September 6, 2012, in plain view of the public. (Exhibits 21-23.)
5. Requests for Party Status. In addition to the Applicant, ANC 4C was automatically a party in this proceeding. The Board granted party status in opposition to the application to the Carter Barron East Neighborhood Association ("CBENA"). (Exhibit 27.)
6. Applicant's Case. The Applicant presented testimony and evidence from Janine Goodman, the president of its board of trustees; Naomi Reem, Head of School; and Nicole White, an expert in traffic engineering. (See Hearing Transcript of September 25, 2012, ("Tr."), pp. 26-178.)
7. Office of Planning. By a report dated September 18, 2012, supplemented by testimony at the public hearing, OP recommended approval of the special exception and variance requested in the application, subject to a series of conditions. The Applicant was in agreement with the OP's proposed conditions of approval, with the exception of a condition to impose a 10-year term on the approval. OP ultimately reassessed its proposal for a 10-year term and supported the application without the imposition of a term, citing the monitoring plan proffered by the Applicant to ensure compliance with the proposed conditions. (Exhibit 28.)
8. The OP testified that the proposed expansion of the private school use was not likely to present any objectionable traffic conditions to adjoining and nearby properties in light of

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the operation of a proposed shuttle bus between the JPDS campuses and a student bus service, as well as the small increases expected in the number of trips generated by the requested increases in student and faculty caps. (Exhibit 28.)

9. The OP further noted that the parking variance was appropriate given the number of students who will utilize either the Applicant's shuttle bus or student bus service. JPDS will also provide showers for faculty and staff members to encourage biking to school and further reduce demand for on-campus parking. (Exhibit 28.)
10. The OP filed a supplemental report dated November 16, 2012, that reiterated its support for the application and commented favorably on the Applicant's proposed parking plan, landscape plan, traffic mitigation plan and impact analysis. (Exhibit 37.)
11. The OP proposed 12 conditions of approval:
 - a. The number of students shall not exceed 130.
 - b. The number of faculty and staff shall not exceed 26.
 - c. The hours of operation of the school shall not exceed from 8:30 a.m. to 6:00 p.m., with students, faculty and staff permitted to arrive prior to the start of school.
 - d. Use of the on-site play area shall be limited to small groups of children to minimize impacts from the noise of children at play.
 - e. Seven off-street parking spaces shall be provided at the school, and 15 off-street parking spaces shall be available at MOSAIC Church at 4401 16th Street, N.W.
 - f. Drop-off and pick-up of children shall be from the existing driveway on Decatur Street. Bus pick-up and drop-off shall be from the driveway on 16th Street.
 - g. Parking for large extracurricular events shall occur at the Carter Barron Fringe parking lot, with shuttle service provided to the subject property.
 - h. The applicant shall landscape the property in accordance with the landscape plan dated October 20, 2012.
 - i. All faculty and staff shall be permitted to ride the school's buses for free.
 - j. Four of the on-site parking spaces shall be reserved for carpoolers.
 - k. The applicant shall file a monitoring report with the ANC and DDOT every year no later than November 30.

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1. Should the applicant fail to meet the projections as outlined in the transportation study two years in a row, the applicant would then be required to work with DDOT to develop additional techniques and mechanisms to mitigate its impact and reduce parking demand and trip generation. (Exhibit 37.)
12. JPDS concurred with the OP's conditions but proposed modifications to subparagraphs (e), (f) and (k) as follows:
 - e. Seven on-site parking spaces shall be provided on the Property. Fifteen spaces shall be provided off-site and within a half-mile of the Property.
 - f. Drop-off and pick-up of children shall be from the existing driveway on Decatur Street. Bus drop-off and pick-up operations shall take place from 16th Street.
 - k. JPDS shall implement a monitoring program to ensure that it meets the projections set forth in its transportation analysis. JPDS will take traffic counts at the intersections of Decatur and 16th Streets and Crittenden and 16th Streets on an annual basis and will submit the results to DDOT by November 30 for two consecutive years after the proposed plans are in place. If JPDS successfully meets its projections, its obligations to continue monitoring will cease. If JPDS does not meet its projections for two years in a row, it shall work with DDOT to develop additional techniques and mechanisms to mitigate its impact and reduce parking demand and trip generation. (Exhibit 40.)
13. District Department of Transportation. DDOT, by report dated September 21, 2012, and supplemented by testimony at the hearing, requested an operational analysis of the intersection of 16th Street and Crittenden Street, a supplemental parking analysis and details about off-site parking spaces. It further recommended active management of bus operations and management and continuation of the Applicant's carpool and bus programs. DDOT otherwise supported the application, including the implementation of the Applicant's proposed transportation demand management measures and intercampus connectivity programs. (Exhibit 31.)
14. DDOT submitted a supplemental report, dated November 16, 2012, stating that the Applicant had adequately addressed its concerns outlined in its previous report. Specifically, DDOT noted that the intersection of Crittenden and 16th Streets was operating and would continue to operate at acceptable levels of service under the existing and future conditions analysis; the provision of satellite parking was sufficient to address parking needs; and the proposed transportation demand management plan would reduce single-occupancy trips once it was implemented. (Exhibit 39.)
15. DDOT noted that its preference was for routing buses to use 16th Street for both northern and southern operations. The Applicant proposed to use 14th Street for southern travel given community concerns regarding use of local streets. (Exhibit 39.)

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16. ANC 4C. On August 8, 2012, the ANC voted 7-2-1, at a regularly scheduled meeting with a quorum present, to recommend unconditional approval of the special exception and variance requested by the Applicant. The Single Member District representative noted that she sent a questionnaire to all property owners within 200 feet to solicit their feedback regarding the application. She found that many people within the community supported the application. (Exhibit 30.)
17. Parties and Persons in Support of Application. There were no parties or persons in support of the application present at the hearing.
18. Parties and Persons in Opposition to the Application. Doreen Thompson testified in opposition to the application on behalf of CBENA, a party to the case. She testified to parking and traffic concerns. She noted particular concern with the possibility of vehicles stacking on Piney Branch Road from Decatur Street to Emerson Street and with vehicles speeding on neighborhood roadways. CBENA residents live in close proximity to the Property and are the ones who would be impacted by the traffic operations of the School. She requested that a term be imposed on any approval of the application to confirm compliance with the variance standard and ensure no adverse impacts resulted from the reduction in required parking. She noted that she did not otherwise oppose the application. (Exhibit 27 and Tr., pp. 139-147.)

The Subject Property and the Surrounding Area

19. The Applicant's planned Early Childhood Center Campus will be located in the 16th Street Heights neighborhood of Northwest Washington, D.C. The Property is bound by 16th Street to the west, Decatur Street to the north and Piney Branch Road to the east. It is located in Ward 4. The site is approximately 18,682 square feet in area. (Exhibits 3 and 32.)
20. The Applicant acquired this property in 2011 and is leasing it to the Washington Latin Public Charter School through 2013. (Exhibit 3.)
21. Aside from the Early Childhood Center Campus, the remainder of Square 2707 contains primarily one-family detached dwellings. Surrounding uses on adjacent blocks include institutional uses, primarily churches. (Exhibit 3.)
22. The Property is located in the R-1-B Zone District. The site was first approved for private school use pursuant to BZA Order No. 14919, dated March 2, 1989, which granted the Lowell School special exception approval to use the site for a maximum of 125 children in grades kindergarten through third with a staff of 14 and a 25% reduction in the required parking as well as a variance from the minimum size requirements for the off-street parking spaces provided at the private school. (Exhibits 3, 9, and 11.)
23. To the south of the building is the children's outdoor play area. There are seven existing parking spaces in the front and side yards of the building; however, between the parking

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spaces and the lay-bys located along both 16th Street and Decatur Street, there is no additional room for providing the required parking. (Exhibit 3.)

The Applicant's Proposed Project

24. The building located on the Property was constructed in 1922 as a one-family dwelling. It was subsequently converted for private school use by the Lowell School and was later used by the British School of Washington. The Applicant now owns the Property, which is currently under lease to the Washington Latin Public Charter School. The Applicant plans to assume use of the Property no later than January 2014 to create its Early Childhood Center Campus. (Exhibit 3.)
25. The Applicant is proposing to increase the maximum student enrollment at the Property from the existing cap of 125 students to 130 students and to increase the permitted number of faculty and staff from 14 to 26 individuals. The Property will serve as the Applicant's Early Childhood Center Campus for students in prekindergarten through first grade, who are currently served at the Main Campus. (Exhibits 1 and 3.)
26. In addition to seeking approval for an increase in population cap, JPDS seeks variance relief from the parking requirement. With 26 employees on site, the Early Childhood Center Campus will require at least 17 parking spaces but there are only seven spaces on-site. Accordingly, the School seeks variance relief for 10 spaces. (Exhibits 1 and 3.)
27. The Applicant will provide 15 parking spaces off-site and within one-half mile of the Property. These spaces will be made available to faculty and staff and visitors to the ECCC. (Exhibit 36.)
28. The Applicant will also make parking available at the Carter-Barron parking lot when large extra-curricular events occur. JPDS will provide shuttle service to and from the parking lot to the Property. (Exhibits 26 and 36.)
29. The ECCC will operate between 8:30 a.m. and 6:00 p.m., with students, faculty and staff arriving prior to 8:30 a.m. (Exhibit 26.)
30. The Property is located on the corner of Decatur Street and 16th Street, and the ECCC will use both street frontages in its drop-off and pick-up operations. Guardians driving children to the Property will be directed by the Applicant to utilize Decatur Street. Children will be dropped off or picked up via the lay-by on Decatur. To minimize traffic impacts on the community, parents will be instructed to exit the lay-by on Decatur Street via a left-hand turn in order to avoid use of Piney Branch Road. (Exhibits 3 and 26.)
31. JPDS operates a student bus program, which currently has three buses that transport approximately 140 students (over half of its existing population). The Applicant plans to expand the bus program to include a fourth bus, which will help streamline bus routes and services provided to children. (Exhibits 3 and 26.)

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32. The Applicant's student bus service will utilize 16th Street to drop off and pick up children. Buses will park temporarily in front of the ECCC to drop children off and to pick them up. These buses will transport students between both campuses, which are approximately one mile apart. The buses will utilize 16th Street when moving north-bound and 14th Street when traveling south-bound toward the ECCC. (Exhibits 26, 32, and 36.)

Noise Impacts

33. The increase in the maximum number of students permitted at the Property – i.e. five students – is unlikely to cause a discernible increase in the noise level created by the private school use. The children will be indoors for the majority of the day. When they are outside, they will utilize the area at the eastern end of the site for a play area. This space is adjacent to Piney Branch Road and is set back from the only adjacent property, which is located to the south. (Exhibit 3.)
34. There is an approximate five-foot setback from the southeastern property line, providing a buffer between JPDS and the property to the south of it. In addition to the spatial buffer, there is a wood-planked fence that will absorb some of the noise from the children during their outdoor play time. (Exhibits 3 and 36.)
35. The Applicant will install additional plantings along the southwestern property line in order to supplement the buffering already provided. (Exhibit 36.)

Traffic Impacts

36. JPDS' expert in traffic engineering confirmed that the proposed increase in student enrollment at the Early Childhood Center Campus will not likely have a negative effect on traffic in the community. The analysis provided by Symmetra Design projected that the ECCC would result in a net increase of six morning and 17 school PM trips as compared to current traffic operations. During the commuter PM peak hour, a decrease of approximately 29 trips to the school is expected. (Exhibits 10, 26, and Tr., pp. 39-48.)
37. Traffic counts taken at 16th and Decatur Streets and 16th and Crittenden Streets confirm that the intersections will continue to operate at acceptable levels once the ECCC begins operations. (*Id.*)
38. Symmetra Design's traffic impact statement concludes that the maximum on-street queuing will be four vehicles for a brief period of time. (*Id.*)
39. Nicole White testified that 83% of JPDS students currently carpool and/or take the bus to school and this statistic is expected to remain true once the ECCC opens, further minimizing the amount of traffic driving to the Property. (*Id.*)
40. JPDS will also implement a transportation demand management ("TDM") program that includes reserving four on-site parking spaces for carpools, increasing transportation

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subsidies, providing showers and bicycle racks for those who bike to work, and linking families that live near each other in order to encourage carpooling. (Exhibit 36.)

41. The Applicant will operate a shuttle between the Main Campus and the Early Childhood Center Campus to reduce the number of trips made to the Early Childhood Center Campus. Families with children at both campuses will drop both children off at only one of the campuses and use the shuttle to transport children to their appropriate campus instead of making an independent trip to the second campus. (*Id.*)
42. In order to promote carpooling, JPDS provides a zip code list to help connect families with other JPDS families interested in carpooling. JPDS will also encourage carpooling among its staff by reserving four on-site parking spaces for faculty and staff who carpool to the Property. (Exhibit 36.)
43. In order to promote alternative modes of transportation, JPDS will provide shower facilities in the ECCC as an incentive for faculty and staff members to either bike or walk to campus. Bicycle racks will be available for faculty or staff biking to campus. JPDS will also increase the transit subsidies it provides its faculty and staff to encourage taking public transportation to school. (Exhibits 3, 26, and 36.)
44. JPDS will implement a monitoring program to ensure that it meets the projections set forth in its transportation analysis. JPDS will take traffic counts at the intersections of Decatur Street and 16th Street and Crittenden Street and 16th Street on an annual basis and will submit the results annually to DDOT by November 30 for two consecutive years after the proposed plans are in place. If JPDS successfully meets its requirements, the monitoring plan will expire. (Exhibits 3, 26, and 36.)

Parking

45. For a private school use, the Zoning Regulations require at least two parking spaces for every three faculty and other employees. (11 DCMR § 2101.1.)
46. As a private school use, the School is also required to have "ample parking...to accommodate the students, teachers, and visitors likely to come to the site by automobile." (11 DCMR 206.3.)
47. The Zoning Regulations therefore require that a minimum of 17 parking spaces be provided on-site. The site only has capacity for seven on-site parking spaces, although JPDS will also provide 15 spaces off site, for a total of 22 spaces. (Exhibits 1 and 26.)
48. The transportation analysis provided by Symmetra Design states that 84% of JPDS faculty and staff drive to campus, indicating that 22 spaces will meet parking demand. (Exhibits 10 and 26.)

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49. In an effort to reduce parking demand, JPDS will encourage carpooling among its faculty and staff by reserving four on-site parking spaces for carpools. It will also encourage alternative modes of transportation by providing transit subsidies and making showers available to those biking to work. (Exhibits 10, 26 and 36.)

Other Potentially Objectionable Conditions

50. There are no other potentially objectionable conditions suggesting the requested relief is not appropriate. (Exhibit 3.)
51. The planned ECCC will be located among numerous institutional uses and it is taking affirmative steps to minimize its impact on the community, particularly on residential neighbors. (*Id.*)
52. The existing building is well-equipped to handle an additional five students. (*Id.*)

Harmony with the Zoning Regulations and Map

53. The Applicant will undertake several precautions to ensure that neighboring property owners will not be adversely affected by an increase in the enrollment of students and staff. The Applicant is taking affirmative steps to decrease its trip generation, and to minimize any noise that may be generated by the requested relief. These measures will diminish any potential adverse effects on neighbors consistent with the Zoning Regulations and Zoning Maps. (Exhibits 3, 10, 26, 32, and 36.)

CONCLUSIONS OF LAW AND OPINION

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 Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property." (11 DCMR §3104.1.) Certain special exceptions must also meet the conditions enumerated in the particular sections pertaining to them. In this case, the Applicant had to meet both the requirements of § 3104 and § 206 (Private Schools) with respect to the expansion of the private school use of the Property.

The School Special Exception

Subsection 206.2 of the Zoning Regulations mandates that a private school use be located so as not to become objectionable to surrounding properties due to noise, traffic, number of students, or other objectionable conditions. (11 DCMR § 206.2.) Subsection 206.3 states that ample parking must be provided, but not less than that required by Chapter 21, to accommodate students, teachers, and visitors. (11 DCMR § 206.3.) Similarly, § 3104 stipulates that the special

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exception use not tend to affect adversely neighboring properties, and further, that it be in harmony with the Zoning Regulations and Map.

The Board finds that the increase in enrollment and faculty and staff will not adversely affect, or be objectionable to, the surrounding properties. The building is located such that there is buffering between it and the neighboring property owner. Further, many of the neighboring properties are institutional uses and the building has been used historically as a school. To further mitigate any impacts, the Applicant has agreed to implement a transportation demand management plan and a monitoring plan.

The expanded size of the School, at 130 students and 26 faculty members, will be manageable on the site and within the community. The School will provide ample parking on-site and off-site, as 22 spaces will be sufficient to accommodate the needs of teachers and visitors. The potential demand for parking will be decreased in part through implementation of the Applicant's transportation demand management plan and through adherence with its proposed drop-off and pick-up plan.

The Applicant's proposal for the ECCC is in harmony with the purpose and intent of the Zoning Regulations and Map.

The Parking Variance

The Board is authorized to grant a variance where, in its judgment, the variance satisfies the three-pronged test set forth in § 3103 of the Zoning Regulations. The first and second prongs of the test require a showing that there is an exceptional situation or condition of the property such that the strict application of the Zoning Regulations would create a practical difficulty for the owner of the property.

The Applicant's property faces an exceptional situation in that the site is improved with a building, constructed before the current Zoning Regulations went into effect, whose location limits the availability of parking on the site to seven spaces. The property is otherwise occupied by a lay-by along Decatur Street and an outdoor play area for the children. Complying with the parking requirement would create a practical difficulty for the school and would either require modifications to a building constructed in 1922 or elimination of outdoor play area for the children.

A variance cannot be granted unless the "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." In this case the Board finds no substantial detriment to the public good associated with a variance that will allow the Applicant to continue to provide the existing seven parking spaces at the Property instead of the 17 that would otherwise be required in light of the increase in the number of employees at the site. The Applicant will implement a transportation demand management plan that will decrease the

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demand for parking that would otherwise be generated by the expanded private school use, and will provide 15 parking spaces off-site within a half-mile of the Property.

Great Weight

The Board is required to give "great weight" to issues and concerns raised by the affected ANC and to the recommendations of the Office of Planning. D.C. Official Code §§ 1-309.10(d) and 6-623.04 (2001). "Great weight" means acknowledgement of the issues and concerns of these two entities and an explanation of why the Board did or did not find their views persuasive.

ANC 4C recommended unconditional approval of the School special exception and variance. The Board agrees with the ANC's recommendation of approval.

OP recommended conditional approval of the School special exception and the Board likewise agrees with this recommendation. OP recommended a list of conditions addressing various aspects of the School's operations. The Board concludes that all of OP's concerns are adequately addressed in the conditions to this Order and by the provisions of the Applicant's Traffic Management Plan.

The Board also finds that the Applicant's TDM and monitoring plan will address CBENA's concerns with parking and traffic. The Board notes that CBENA is otherwise supportive of the application.

For the reasons stated above, the Board concludes that the Applicant has met its burden of proof with respect to an application for a special exception pursuant to §§ 3103, 2101, 3104 and 206 to expand enrollment and faculty and staff and to provide less than the required on-site parking.

THEREFORE, it is hereby **ORDERED** that the application for a special exception for a private school for Lot 33 in Square 2707 is **GRANTED, SUBJECT** to the following **CONDITIONS, NUMBERED 1 THROUGH 10**:²

1. The number of students shall not exceed a maximum enrollment of 130.
2. The number of faculty and staff shall not exceed 26 individuals.
3. The hours of operation shall not exceed 8:30 a.m. to 6:00 p.m. Children and staff may be present on-site before 8:30 a.m.
4. Use of the on-site play area shall be limited to small groups of children to minimize impacts from the noise of children at play.

² These conditions include several that were originally adopted as part of the Board's approval of the private school use of the Property in Application No. 14919. In the event of an inconsistency between this Order and the prior decision, the conditions adopted in this proceeding supersede the previously approved conditions.

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5. Seven on-site parking spaces shall be provided on the Property. Fifteen spaces shall be provided off-site and within a half-mile of the Property. Four of the on-site parking spaces shall be reserved for faculty and staff who carpool.
6. Drop-off and pick-up of children shall be from the existing driveway on Decatur Street. Bus drop-off and pick-up operations shall take place from 16th Street.
7. Parking for large extracurricular events shall occur at Carter Barron, with shuttle service provided to the Property.
8. The Applicant shall landscape the property in accordance with the landscape plan dated October 20, 2012 and entered into the record as Exhibit 38.
9. All faculty and staff shall be permitted to ride the school's buses for free.
10. JPDS shall file and implement a monitoring program to ensure that it meets the projections set forth in its transportation analysis. JPDS will take traffic counts at the intersections of Decatur and 16th Streets and Crittenden and 16th Streets on an annual basis and will submit the results to DDOT by November 30 of each year for two consecutive years after the proposed plans are in place. If JPDS successfully meets its projections, its obligations to continue monitoring will cease. If JPDS does not meet its projections for two years in a row, it shall work with DDOT to develop additional techniques and mechanisms to mitigate its impact and reduce parking demand and trip generation.

VOTE: **4-0-1** (Lloyd J. Jordan, Nicole C. Sorg, and Jeffrey L. Hinkle to Approve; Anthony J. Hood to APPROVE by absentee ballot; 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: February 11, 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 SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

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PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THEREOF, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION 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. 18496 of Mid-Cities LLC, pursuant to 11 DCMR § 3104.1, for a special exception for the continued operation¹ of an accessory parking lot under section 214, in the R-1-B District at premises 4434 Connecticut Avenue, N.W. (Square 1971, Lots 831 and 832).

HEARING DATE: February 5, 2013

DECISION DATE: February 5, 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 (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") 3F, and to owners of property within 200 feet of the site. The site is located within the jurisdiction of ANC 3F, which is automatically a party to this application. ANC 3F submitted a timely letter and Form 129 in conditioned support of the application. The ANC letter indicated that at a duly noticed, regularly scheduled public meeting held on January 14, 2013 of ANC 3F with a quorum of commissioners present, the ANC voted unanimously (7:0) to support the application, subject to a five year term and a number of conditions. The ANC also indicated that it objected to a permanent re-approval of the special exception, as requested by the Applicant.² (Exhibits 21

¹ The land at the rear of 4434 Connecticut Avenue, N.W. has been used for accessory parking for the building on the property since the 1930s. Prior to 1958, no Board approval was required. The first Board of Zoning Adjustment approval for the accessory parking lot was granted in 1963. The most recent approval for this use was in Order No. 16061, dated August 8, 1995. That approval expired in 2002. (Exhibit 20.)

² The conditions proposed by both the ANC and the Office of Planning ("OP") were similar but for the duration of the term period. As OP indicated in its report, most of the proposed conditions were carried forward from the prior Board orders approving the use. (Exhibit 25.) The Applicant, in its prehearing statement, noted that the ANC had requested some conditions that were not included in the application, including a term of five years, a permanent bicycle rack, increased landscaping, replacement of the impervious surface with a pervious surface, and a request for two car-sharing spaces. The Applicant had requested permanent approval of the accessory parking lot and proposed seven conditions, four of which addressed the new requests by the ANC, including replacing the existing impervious surface with a pervious surface by 2020. (Exhibit 20.) To coincide with the Applicant's stated timetable for completion of the replacement of the impervious surface with a pervious surface, OP (as well as DDOT) had recommended a seven year term. (Exhibit 25.) Thus, in its deliberations, the Board had to choose among the ANC's proposal of a five year term, OP's recommendation of a seven year term, and the Applicant's request for permanent approval, subject to the proposed conditions. After due consideration of each of these positions and the reasons provided by the parties, the Board imposed a seven year term on this approval,

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and 22.) The ANC was present and testified at the public hearing.

The Office of Planning ("OP") submitted a timely report in support of the application, with conditions including a recommendation for a seven year term. (Exhibit 25.) The District Department of Transportation ("DDOT") submitted a report recommending "no objection with conditions."³ (Exhibit 24.)

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 § 3104.1 for a special exception under § 214. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR § 3104.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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

It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO THE PLANS AT EXHIBIT 20**, and the **FOLLOWING CONDITIONS**:

1. Approval shall be for a period of seven years from the effective date of this order.
2. Fourteen parking spaces shall be provided on the site in accordance with the annotated plat of the site in Exhibit C of the Prehearing Statement of the Applicant dated January 22, 2013, and marked as Exhibit 20 in the record.
3. The hours of operation shall be from 8:00 a.m. to 9:00 p.m.
4. All areas devoted to driveways, access lanes, and parking areas shall be properly maintained. The existing impervious surface shall be replaced with a pervious surface that is acceptable to the District Department of Transportation, by 2020.
5. Bumper stops shall be maintained.

citing the coincidence of the timing for replacement of the impervious surface with the next renewal for the parking lot in 2020.

³ DDOT's recommendations for conditions, including one for a seven year term period, were contained within OP's proposed conditions.

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6. All parts of the lot shall be kept free of refuse or debris.
7. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
8. The Applicant shall install a permanent bicycle storage rack for at least four bicycles, as shown on Exhibit F of the Prehearing Statement of the Applicant, marked as Exhibit 20 in the record.
9. The Applicant shall provide landscaping, including the use of planter boxes, which shall be provided on site (totaling five percent of the surface parking area) per the plan as shown in Exhibit F of the Prehearing Statement of the Applicant, marked as Exhibit 20 in the record. The landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
10. The site includes an existing one-story garage of masonry construction. No other use shall be conducted from or upon the premises nor shall anything be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
11. No vehicular entrances or exists shall be within 40 feet of a street intersection as measured from the intersection of the curb lines extended.
12. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: **4-0-1** (Lloyd L. Jordan, Anthony J. Hood, Nicole C. Sorg, 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 order.

FINAL DATE OF ORDER: February 7, 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

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PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION 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. 18500 of 2914 Sherman LLC, pursuant to 11 DCMR § 3103.2, for a variance from the maximum story requirements under § 400, a variance from the nonconforming structure (§§ 401 (lot area), 403 (lot occupancy), 406 (open court), and 404 (rear yard)) provisions under § 2001.3, and a variance from the off-street parking requirements under § 2101.1, to convert an existing 18 unit apartment building into a 20 unit apartment building in the R-4 District at premises 2914 Sherman Avenue, N.W. (Square 2852, Lot 807).¹

HEARING DATE: February 5, 2013

DECISION DATE: February 5, 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 (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. ANC 1A submitted a timely report in support of the application. The ANC report indicated that at a duly noticed, regularly scheduled public meeting held on January 9, 2013, with a quorum of commissioners present, the ANC voted (6-3-1) to support the application. (Exhibit 30.)

The Office of Planning ("OP") submitted a timely report stating that OP was not opposed to the granting of the required relief listed in its report. (Exhibit 34.) The District Department of Transportation ("DDOT") submitted a report of "no objection". (Exhibit 33.)

Three letters of support for the application from neighbors John Zavales, 3035 Sherman Avenue, N.W.; Zikin Mehta, 3112 Sherman Avenue, N.W.; and Reema Mehta, 3112 Sherman Avenue, N.W., were submitted for the record. (Exhibit 32, Tab C.)

Ebise Bayisa, 2920 Sherman Avenue, testified in opposition to the application at the

¹ The Office of Planning indicated that the Applicant required variance relief for the rear yard provisions under § 404.1. The Applicant stated that while it did not believe rear yard relief was needed, since no change to the existing nonconformity was planned, it would not object to adding that relief if the Board so determined. The Applicant also indicated that because the staircase was to be covered, lot occupancy would increase from 68% to 70% and that the record should reflect that was the case. The relief granted by the Board included variance relief from the rear yard requirements under § 404 as well as the required lot occupancy relief. The caption has been amended to reflect the additional relief granted.

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hearing.²

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 maximum story requirements under § 400, the nonconforming structure (§§ 401 (lot area), 403 (lot occupancy), 406 (open court), and 404 (rear yard)) provisions under § 2001.3, and the off-street parking requirements under § 2101.1, to convert an existing 18-unit apartment building into a 20-unit apartment building. 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 17.**

VOTE: **4-0-1** (Lloyd L. Jordan, Anthony J. Hood, Nicole C. Sorg, 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 order.

FINAL DATE OF ORDER: February 11, 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.

² In particular, Ms. Bayisa spoke to her objections to the parking variance. She indicated that she did not object to rehabilitation of the building and gaining new neighbors, but was concerned over the lack of on-street parking for the added population.

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PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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

Application No. 18502 of Jemal's Gram LLC, and other Owners, pursuant to 11 DCMR § 3104.1, for a special exception to allow multiple roof structures not meeting the normal setback requirements under subsections 411.11 and 770.6, and to extend the zoning controls under subsection 2514.2, to construct an eleven story mixed-use office, retail and service building in the DD/C-2-C and DD/C-3-A Districts at premises 655 New York Avenue, N.W. (Square 450, Lots 4, 6, 21, 33, 34, 40, and 803 through 818).

HEARING DATE February 5, 2013

DECISION DATE February 5, 2013

SUMMARY ORDER

SELF-CERTIFIED

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

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 3C, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2C, which is automatically a party to this application. ANC 2C submitted a letter in support of the application. The Office of Planning ("OP") submitted a report and testified at the hearing in support of the application. The Department of Transportation submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under subsections 411.11, 770.6 and 2514.2. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 411.11, 770.6 and 2514.2, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit 10 – Plans) be **GRANTED**.

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VOTE: **4-0-1** (Lloyd J. Jordan, Nicole C. Sorg, Anthony J. Hood and Jeffrey L. Hinkle to APPROVE. The third mayoral member vacant.)

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

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: February 6, 2013

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

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 10-14
Z.C. Case No. 10-14
Big Bear Cafe
(Map Amendment for 1700 1st Street, N.W. Square 3103, Lot 800)
January 14, 2012

The Zoning Commission for the District of Columbia (the "Commission"), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 787; D.C. Official Code § 6-641.01), and § 102 of Title 11 of the District of Columbia Municipal Regulations ("DCMR"), having held a public hearing to consider the application from Stuart Davenport (the "Applicant"), and having referred the proposed map amendment to the National Capital Planning Commission ("NCPC") for a 30-day review pursuant to § 492 of Title IV of the District of Columbia Home Rule Act (the "District's Charter"), approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 6-641.02), hereby gives notice of its adoption of an amendment to the Zoning Map of the District of Columbia that rezones Lot 800 in Square 3103 from the R-4 Zone District to the C-2-A Zone District.

FINDINGS OF FACT

1. On May 27, 2010, the Office of Zoning received an application from the Applicant requesting the Commission to rezone Lot 800 in Square 3103 from the R-4 Zone District to the C-2-A Zone District ("Application"). The Commission voted unanimously to set down the Application for a public hearing as a contested case at its July 26, 2010 public meeting.
2. The property consists of 1,222 square feet of land area and is situated at 1700 1st Street N.W., at the northwest intersection of 1st Street, N.W., and R Street, N.W. (the "Property"). The Property is currently improved with a two-story building used as a coffee shop/restaurant-style cafe and residential housing. The Property has been residentially zoned, but commercially used, since the existing building was built in 1891.
3. Since the setdown of the case, and with the support of the Office of Planning ("OP"), the "Comprehensive Plan Amendment Act of 2010" amended the Future Land Use Map of the Comprehensive Plan ("Comprehensive Plan") and designated the Property for Mixed-Use: Low-Density Residential and Low-Density Commercial uses. The proposed map amendment from residential to commercial will ensure the zoning designation for the Property is consistent with the amended designation on the Future Land Use Map.
4. The Property is designated within a Neighborhood Conservation Area on the Generalized Policy Map. The Property is also within the North Capitol Street/Florida/New York Avenue Policy Focus Area located in the Mid-City Planning Area Element of the Comprehensive Plan.
5. Square 3103 is split-zoned between the C-2-A and R-4 Zone Districts. The R-4 portion of the square generally consists of two-story single family dwellings, flats, and apartment

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houses. The southwest portion of the square is zoned C-2-A and is comprised of residential and commercial uses. The Property is proximate to a commercially zoned (C-2-A) area on Florida Avenue.

6. On May 18, 2012, the Applicant submitted a Prehearing Statement (Exhibits ["Ex.,"] 14, 15). The Prehearing Statement included as an attachment a petition signed by 422 people in support of the Application as well as a map showing the proximity of these supporters to the Property.
7. On August 28, 2012, the Applicant submitted a Supplemental Filing which provided clarification regarding the current nonconforming structure and use of the Property. (Ex. 35.) In addition, the Applicant provided an update on community outreach and support.
8. Notice of the public hearing was given in accordance with the provisions of 11 DCMR §§ 3014 and 3015.
9. The parties to the case were the Applicant, Advisory Neighborhood Commission 5C ("ANC") (the ANC in which the Property is located), and an unincorporated association of several neighbors who identified themselves as "The Lewis Group".
10. On September 17, 2012, the Commission held a public hearing on the Application. The Applicant presented testimony and exhibits (including a PowerPoint presentation) in support of the Application. Applicant's PowerPoint presentation is marked as Exhibit 40 in the record.
11. By letter dated August 21, 2012, ANC 5C indicated that at a duly noticed and regularly scheduled meeting, on the same date, and with a quorum of the ANC commissioners present, the ANC voted unanimously to support the proposed zoning map amendment. (Ex. 26.) Such action superseded and replaced earlier ANC action set forth in the record as Exhibit 22.
12. OP reviewed the Applicant's proposal to rezone the property to the C-2-A Zone District and, in its report dated March July 16, 2010, recommended that the Application be set down for public hearing. In this report, OP noted it had made the recommendation to change the Future Land Use Map to fully designate the Property as Mixed-Use: Low-Density Residential and Low-Density Commercial. OP stated the purpose of the amendment was to "correct a map error and to provide consistency between the Future Land Use Map and the existing use [of the Property] and to acknowledge the existing and historic use of the site as commercial." (Ex. 10.)
13. OP submitted a final report, dated September 7, 2012, and opined that the requested map amendment would not be inconsistent with the Comprehensive Plan and recommended

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- approval of the Application. (Ex. 27.) OP also testified at the hearing in support of the Application.
14. The Department of Transportation ("DDOT") reviewed the Applicant's proposal to rezone the property to the C-2-A Zone District and, in its report dated September 7, 2012, found that the proposed map amendment will cause no adverse impacts to the District's transportation network. (Ex. 34.)
 15. Among the letters of support in the record are the following: support from Councilmember Vincent Orange, Sr., ANC/SMD03 Commissioner Hugh Youngblood, and Councilmember Kenyan McDuffie. (Ex. 25, 32, 33.)
 16. City First Bank of DC submitted a letter into the record stating that the current residential zone for the Property makes it much more difficult for the Applicant to qualify for a commercial real estate loan than if the Property were commercially zoned. (Ex. 37.)
 17. "The Lewis Group" was granted party status as a party in opposition. The following witnesses testified at the hearing on behalf of The Lewis Group: Karla M. Lewis (copy of testimony, Ex. 41), Peter J. Knockstead (copy of testimony, Ex. 43), Harold M. Pelham (copy of testimony, Ex. 42), Edward Jones, Bernard Banks (copy of testimony, Ex. 45), Selma Dillard, and Angela Otts.
 18. By letter dated July 21, 2012, Bloomingdale Civic Association, Inc. ("BCA") indicated that at a duly noticed and regularly scheduled meeting on July 6, 2012, and with a quorum present, the BCA voted unanimously to support the proposed zoning map amendment. (Ex. 31.)
 19. John Salatti, Vice President of the BCA, testified at the hearing in support of the map amendment.
 20. At the conclusion of the hearing, the record was closed except for the following: the Commission requested that the Applicant engage the Lewis Party to discuss their issues in the hopes of mitigating as many of the adverse impacts as possible, and the record was open for the Applicant to submit a status report with regard to its negotiations with the Lewis Group" by September 24, 2012, and for the Lewis Group to respond by October 1, 2012.
 21. Such a status report was filed by the Applicant as a post hearing submission on September 24, 2012. (Ex. 50.) On October 1, 2012, The Lewis Group filed a response to the Applicant's post-hearing submission. (Ex. 53.)
 22. The Commission held a public meeting on October 15, 2012 and considered the submissions by the Applicant and The Lewis Group. The Commission decided to give the

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parties more time to meet and try to reach agreement, and left the record open for the Applicant to provide their report by November 6, 2012, and for The Lewis Group to respond by November 13, 2012.

23. The Applicant submitted its second post-hearing status report on November 6, 2012, and the Lewis group submitted its report on November 13, 2012. (Ex. 54, 55.)
24. The Commission held a public meeting on November 19, 2012 and considered the submissions by the Applicant and The Lewis Group. The Commission also re-opened the record to receive a supplemental report by ANC 5C. (Ex. 57.) The report stated ANC 5C's continued support for the Application.
25. Based upon the testimony and evidence presented, as well as the DDOT and OP reports, the Commission finds that the proposed rezoning is consistent with numerous elements of the Comprehensive Plan, including, among others, policies to expand the retail sector, create additional shopping opportunities, promote neighborhood commercial vitality, and protecting small and locally owned businesses. The Commission also finds that the proposed map amendment would create favorable conditions for the District and satisfies each of the statutory standards applicable to map amendments.
26. The Commission further finds that the map amendment would permit commercial and residential functions as a matter-of-right on the Property and would implement the Future Land Use Map's designation of the Property for Mixed-Use: Low-Density Residential and Low-Density Commercial uses; would place the Property in a zone more consistent with the Property's long history of commercial usage; and would help to reinforce elements of the Mid-City Area Element of the Comprehensive Plan.
27. The Commission further finds that the increase in the potential building envelope permitted as a result of the rezoning is small, and would therefore not have an adverse impact on the surrounding properties.
28. The Commission took proposed action to approve the map amendment at its public meeting on November 19, 2012. Pursuant to § 492 of the District's Charter, the Commission referred its proposed decision of approval to NCPC for review and comment.
29. By delegated action dated December 12, 2012, the NCPC Executive Director found that the proposed map amendment would not be inconsistent with the Comprehensive Plan for the National Capital, nor would it have an adverse impact on any other federal interest. (Ex. 59.)

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CONCLUSIONS OF LAW

1. The Commission's authority to amend the Zoning Map derives from the Zoning Act of 1938, effective June 20, 1938 (52 Stat. 797, D.C. Official Code § 6-641.01) ("Zoning Act").
2. Section 1 of the Zoning Act, authorizes the Commission to regulate the uses of property in order to "promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia and its planning and orderly development as the national capital." (D.C. Official Code § 6-641.01.)
3. Section 2 of the Zoning Act provides that the "zoning regulations shall be designed to lessen congestion on the street, to secure safety from fire, panic, and other dangers to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein." (D.C. Official Code § 6-641.02.)
4. Section 3 of the Zoning Act, among other things, authorizes the Commission to amend the zoning regulations and maps. (D.C. Official Code § 6-641.03.)
5. The Commission concludes that the proposed map amendment is consistent with the purposes of the Zoning Act. The amendment will allow use of the Property consistent with its designation on the Future Land Use Map for low-density residential and low-density commercial uses.
6. In amending the Zoning Map, the Commission is constrained by the limitation of § 492(b)(1) of the District of Columbia Home Rule Act, D.C. Official Code § 6-641.02, that the Zoning Map be "not inconsistent" with the Comprehensive Plan. The Commission concludes that approval of the requested map amendment is not inconsistent with the Comprehensive Plan. The requested map amendment furthers the goals of the Comprehensive Plan, and promotes orderly development in conformity with the Zone Plan as embodied in the Zoning Regulations and Map.
7. The Commission also concludes that the requested map amendment is in the best interests of the District of Columbia and will benefit the community in which the Property is located.

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8. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to issues and concerns expressed in the affected ANC's written recommendation. The Commission concurs with the ANC's recommendation for approval, and has given it the great weight to which it is entitled.
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. The Commission concurs with the OP's recommendation for approval, and has given the recommendation the great weight to which it is entitled.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the Application for an amendment of the Zoning Map to change Lot 800 in Square 3103 from the R-4 Zone District to the C-2-A Zone District.

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 November 19, 2012, upon the motion of upon the motion of Commissioner May, as seconded by Commissioner Turnbull, the Zoning Commission **APPROVED** this Application at its public meeting by a vote of **3-0-2** (Anthony J. Hood, Peter G. May, and Michael G. Turnbull to approve; Marcie I. Cohen and Robert E. Miller, not having participated, not voting.)

On January 14, 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 **3-0-2** (Anthony J. Hood, Peter G. May, and Michael G. Turnbull to adopt; Marcie I. Cohen and Robert E. Miller, not having participated, not voting).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become effective upon publication in the *D.C. Register*; that is on February 15, 2013.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 11-03A(1)
Z.C Case No. 11-03A
Hoffman-Struever Waterfront, LLC
(Second-Stage Planned Unit Development – Southwest Waterfront)
Overall Plan Elements, Parcel 2, Temporary Uses on Parcel 1,
Transit Pier, and Adjacent Spaces
January 14, 2013

Pursuant to notice, the Zoning Commission for the District of Columbia (the “Commission”) held public hearings on June 28, July 2, July 12, July 23, and July 31, 2012, to consider an application for a second-stage planned unit development (“PUD”) filed by Hoffman-Struever Waterfront, LLC, (the “Applicant”) on behalf of Vestry of St. Augustine’s Church and the District of Columbia, through the Office of the Deputy Mayor for Planning and Economic Development, the current owners of the property. The project site is generally bounded by the Washington Channel of the Potomac River and Maine Avenue, between 11th Street on the west to 6th Street on the east, all in Southwest Washington. The Commission approved the Stage 1 PUD application for this project by order dated December 16, 2011, in Z.C. Case No. 11-03. This Stage 2 PUD application encompasses the portion of the project site known as Parcels 2, 3, 4, and 11, the Capital Yacht Club, and the public open spaces known as the Wharf, the Transit Pier, the District Pier, the Yacht Club Piazza, the Mews, Jazz Alley, 7th Street Park, and Waterfront Park, as well as temporary uses on Parcel 1 (the “Application”). 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 Commission divided the Application into four discreet segments corresponding to the four parcels and adjacent spaces, with each segment considered on a separate hearing date. Upon a motion made by the Applicant, the Commission granted a request to deliberate and vote on each segment separately, and issue separate orders accordingly. The public hearings were conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves this segment of the Application for the Overall Plan Elements, Parcel 2, the temporary uses on Parcel 1, the Transit Pier, and adjacent spaces (“Parcel 2 PUD”).

FINDINGS OF FACT

The Applications, Parties, and Hearings

1. On February 3, 2012, the Applicant filed an application with the Commission for second-stage review and approval of a PUD for the following land and adjacent riparian areas of the Washington Channel: Lots 804, 805, 806, 822, 823, 824, 825, 826, 827, 828, 831, and 849, and portions of Lots 839 and 850 in Square 473. The Application also included the land owned by the Vestry of St. Augustine's Church at Lots 83 and 814 in Square 473 ("Parcel 11"). The Stage 2 PUD contains approximately 991,113 square feet of land, as well as piers and docks in the riparian area. The property is presently improved with buildings and

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improvements constructed under the Southwest Urban Renewal Plan for the Southwest Waterfront. The Applicant intends to redevelop the PUD site to implement the city's revitalization plan for a new, mixed-use Southwest Waterfront.

2. By report dated March 30, 2012, the Office of Planning ("OP") recommended that the Application be set down for a hearing. At its public meeting held on April 9, 2012, the Commission voted to schedule a public hearing on the Application. At that same meeting, the Commission determined to divide the project into four segments and consider each segment individually on a separate hearing night, as follows:

<u>Hearing Date</u>	<u>Topic</u>
June 28, 2012	Parcel 2, the Combined Heating & Power Plant, Parcel 1 temporary uses, and the Transit Pier
July 2, 2012	Parcel 3A, Parcel 3B, District Pier and Pier & Avenue Mews
July 12, 2012	Parcel 4A, Parcel 4B, Capital Yacht Club, Yacht Club Plaza, Piazza Mews, Jazz Alley, and 7th Street Park
July 23, 2012	Parcel 11A, Parcel 11B, and Waterfront Park

The Commission also established separate deadlines for requests for party status for each segment of the hearing. The Commission added a final hearing night on July 31, 2012, to review the architectural designs approved in concept by the U.S. Commission of Fine Arts at its July 19, 2012, meeting, and to receive rebuttal testimony and hear closing arguments from the Applicant.

3. On June 8, 2012, the Applicant submitted a pre-hearing statement for the Overall Plan Elements, Parcel 2, temporary uses on Parcel 1, the Transit Pier, and related spaces ("Parcel 2 PUD"), along with several architectural drawings to respond to issues raised by the Commission and OP. (Exhibit ["Ex.,"] 25, 26, 27, and 28.) The Applicant also filed a supplemental statement with additional architectural drawings and information on June 12, 2012. (Ex. 29, 30.)
4. A description of the proposed development and the notice of the public hearing in this matter were published in the *D.C. Register* on May 11, 2012. The notice of public hearing was mailed to all property owners within 200 feet of the PUD site as well as to Advisory Neighborhood Commission ("ANC") 6D. On June 28 and July 31, 2012, the Commission held a hearing to consider the Parcel 2 PUD segment of the Application.

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5. The parties to the Parcel 2 PUD case were the Applicant, ANC 6D, and the Gangplank Slipholders Association ("GPSA"). The Commission denied party status to Seven Seas Cruising Association as not meeting the requirements under the Commission's rules.
6. At the June 28, 2012 hearing night, the Applicant presented five witnesses in support of the Parcel 2 PUDs. Shawn Seaman, on behalf of Hoffman-Struever Waterfront LLC; Stanton Eckstut, Perkins Eastman Architects; Michael Fischer, Rockwell Group; Robert Schiesel, Gorove/Slade Associates; and Robert V. Sloop, Moffatt & Nichol. Based upon their professional experience and qualifications, Mr. Eckstut was recognized as an expert in architecture; Mr. Fischer an expert in design of retail and waterfronts; Mr. Schiesel as an expert in transportation engineering and planning; and Mr. Sloop as an expert in marina design and engineering. At the July 31, 2012 hearing night, Steven Bliss of Bliss Fasman testified in support of the application as an expert witness in lighting design.
7. Matthew Jesick, Development Review Specialist at OP, and Jamie Henson of the District's Department of Transportation ("DDOT") testified in support of the Parcel 2 PUD with certain comments and conditions.
8. At its meeting on July 30, 2012, which was duly noticed and at which a quorum was present, ANC 6D voted 4 - 3 to support the Application, with conditions.
9. Eric Slaughter and Richard Westbrook testified as a person in support of the Parcel 2 PUD. The Commission received letters in support from the following: Congresswoman Eleanor Holmes Norton, Councilmember Tommy Wells of Ward 6, Washington Area Bicyclist Association, Ward 8 Workforce Development Council, Disabled American Veterans, Mandarin Oriental Hotel, Entertainment Cruises, D.C. Dragon Boat Club, Cultural Tourism D.C., Carl Cole, Arena Stage, Anacostia Watershed Society, American River Taxi, D.C. Students Construction Trade Foundation, Deanwood Heights Main Streets, Inc., Capitol Square at the Waterfront, Community Benefits Coordinating Council, and the Riverside Condominium Association.
10. The following persons testified in opposition to the Parcel 2 PUD: Bernisse Lester, Rosemary Strange, David Masters, Deborah Ruttenberg, Gene Solon, Phillip Johnson, Bill Trayfors, Cara Shockley, and Ron McBee. The Commission received letters in opposition from the following: Seven Seas Cruising Association, Potomac River Yacht Clubs Association, Quentin Borges-Silva, and Kael Anderson.

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11. At its public meeting held on September 24, 2012, the Commission requested the Applicant to submit additional information regarding carsharing and electric vehicle stations, the final agreement with the GPSA, the potential to restudy the penthouse on the Parcel 2 building, and an update on the status of efforts with Washington Gas Energy Services to implement the Combined Heating and Power Plant. The Commission also requested a final report from DDOT on the Applicant's final transportation report and curbside loading and management plan. On October 9, 2012, the Applicant submitted the requested information and DDOT provided its supplemental report. (Ex. 235–235E, 239.)
12. On November 14, 2012, the Commission took proposed action to approve with conditions the Parcel 2 PUD.
13. The Parcel 2 PUD was referred to the National Capital Planning Commission ("NCPC") for review of any impacts on the federal interest under the Comprehensive Plan.
14. In a letter dated December 12, 2012, the NCPC Executive Director stated that at a meeting held December, 12, 2012, NCPC voted to adopt an action through which it commented favorably on the portion of the Phase 1, second-stage PUD, that included Parcels 2, 3, and 4 in addition to several open spaces; in-water development; and development of The Wharf itself. The comment did not extend to Parcel 11 because the Commission had not yet taken proposed action. (Ex. 262.)
15. The Commission took final action to approve the Parcel 2 PUD on January 14, 3013.

The PUD Project

16. The Southwest Waterfront project is a public-private partnership between the District of Columbia and Hoffman-Struever Waterfront, LLC, which entered into a land disposition agreement ("LDA") for its development. The District of Columbia, as owner of all the property in the PUD site except for Lots 83 and 814 in Square 473, the Vestry of St. Augustine's Church, the owner of Lots 83 and 814 in Square 473, and Hoffman-Struever Waterfront, LLC, the master developer selected by the District to implement the project, submitted their application for approval of a Second-Stage PUD to fulfill the revitalization plan envisioned by the District to reactivate the Southwest Waterfront. The project site fronts on the Washington Channel in Southwest Washington and is generally bounded on the northwest by the Maine Avenue Fish Market and Case Bridge (part of the highways comprising the 14th Street Bridge), Maine Avenue to the northeast,

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Washington Channel to the southwest, and on the southeast by N Street, S.W and 6th Street, S.W.

17. Pursuant to the Stage 1 PUD approval, the entire project will include an aggregate floor area ratio (“FAR”) of 3.19, which includes the private streets in the project area, or approximately 3,165,000 square feet of gross floor area. The density excluding the private streets is approximately 3.87 FAR. Proposed uses will include approximately 1,400 mixed-income and market rate residential units, with 160,000 square feet of the gross residential space set aside for households earning no more than 30% and 60% of the Washington–Arlington–Alexandria, DC–VA–MD–WV Metropolitan Statistical Area median income (“AMI”); approximately 925,000 square feet of office space; a luxury hotel with a total of 278 guest rooms, and two additional hotels with approximately 405 rooms; approximately 300,000 square feet devoted to retail uses; a minimum of 100,000 square feet devoted to cultural activities; and more than 10 acres of parks and open space on the land side. The riparian area will feature four public or public use piers, as well as approximately 80,000 square feet of maritime-related commercial, recreational, and service development.
18. This first Stage 2 PUD application proposes the development of six buildings on four different parcels. It will also encompass the creation of new public and open spaces known as the Wharf, The Transit Pier, the District Pier, the Piazza Mews, the Avenue Mews, the Pier Mews, and Jazz Alley (collectively the “Mews”), the Yacht Club Piazza, the 7th Street Park, and Waterfront Park. Parcel 1 will also be improved with a temporary parking lot/event space.
19. The Parcel 2 PUD that is the subject of this order encompasses Parcel 2, the Combined Heating & Power (“Co-generation”) Plant, Parcel 1 temporary uses, the Transit Pier, and the Overall Design Elements.

The Applicant and Development Team

20. The master developer and Applicant of the PUD project is Hoffman-Struever Waterfront, LLC, doing business as Hoffman-Madison Waterfront, LLC. The Applicant is processing this Stage 2 application on behalf of the Deputy Mayor's Office for Planning and Economic Development and the Vestry of St. Augustine's Church. The Applicant's team includes the District-based Certified Local, Small, and Disadvantaged Business Enterprises of E.R. Bacon Development, Paramount Development and Triden Development, as well as District-based CityPartners.

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Approved Stage 1 PUD Development Parameters

21. Under the Stage 1 PUD, the Commission approved the parameters for the development of the Southwest Waterfront, as shown on the architectural plans submitted to the record. The PUD order authorizes a landside density of 3.87 FAR, excluding private rights-of-way, with a combined gross floor area of approximately 3,165,000 square feet. Waterside uses may have a maximum potential density of 0.68 FAR, or 114,000 square feet of gross floor area. (*See* Z.C. Order No. 11-03, at p. 33 (Condition Nos. A-1 and A-2).)
22. The Commission authorized a maximum building height of 130 feet on Parcels 1 through 4 and 6 through 9, which were rezoned to the C-3-C Zone District. Construction on Parcel 5, also located in the C-3-C Zone District, may not achieve a height greater than 110 feet. The new development on Parcel 11 will consist of two segments: a church on the north portion of the site, known as Parcel 11A, and a residential building on the south portion, known as 11B. The proposed residential building on Parcel 11B, located in the R-5-B Zone District, may not exceed 45 feet in height, or an overall height of 57 feet with an occupied penthouse, as shown on the approved drawings submitted to the record. The height of the church building on Parcel 11A may not exceed 45 feet in height (or 49 feet to the highest point of the sloped roof), consistent with the approval in Z.C. Order No. 11-03. The height of the church excludes glass parapets and bell tower, architectural and liturgical embellishments that may extend beyond the maximum roof height of 49 feet. The building on Parcel 10, located in the W-1 Zone District, may not exceed 60 feet in height. (*Id.* (Condition No. A-3).)
23. With respect to parking facilities for the project, the Commission authorized the construction of one or more below-grade parking structures on two to three levels that are required to provide spaces for approximately 2,100-2,650 vehicles. The PUD project is also required to provide parking or storage for 1,500-2,200 bicycles and sufficient loading facilities to accommodate the mix of uses on the site. The precise amount of parking and loading is to be determined in each Stage 2 PUD application. (*Id.*)
24. Consistent with the phased development endorsed by the Commission, the first Stage 2 PUD application filed by the Applicant encompassed Parcels 2, 3, and 4. Additionally, in order to accomplish the development needs of St. Augustine's Church, the application included Parcel 11, as well as a temporary parking lot/event space on Parcel 1. Parcel 5, which was originally contemplated as part

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of this first phase of development and described in the Applicant's Notice of Intent to File a PUD, was ultimately not included with this application.²

Overview of the Project Design Intent

25. The Southwest Waterfront PUD has been designed to reunite the city with the water's edge and re-enliven it with a mix of uses and year-round urban vibrancy. The concept is to bring the city's unique urban qualities of buildings with street walls and dynamic public open spaces to this area, while recalling the thriving commercial aspects of the historic working waterfront that once lined the Washington Channel. This working wharf once connected the upland city streets to the maritime edge, and was characterized by an industrial warehouse district with a focus on maritime activities.
26. As described during the approved Stage 1 PUD, the new development will provide a mix of uses to ensure an active waterfront throughout the year, day and night. The PUD as been designed as a series of "places," not projects. Each place is the integration of architecture and landscape designed to create inviting and memorable public environments. There will be a variety of gathering places to cater to every interest, ranging from actively programmed places to simple promenades and parks for passive enjoyment of the water and its environs.
27. The plan for the waterside has been fully integrated with the land plan. The project will incorporate four new public use piers along the Washington Channel, allowing public-use access into the Channel for the first time. The District Pier, the largest of the piers, is intended to be the primary waterside entrance to the project and the host for the District's waterside events. A host of other tour boats, tall ships, and maritime vessels, such as water taxis, will be added to the existing recreational maritime activities to provide much more activity and many more reasons for the public to use the waterfront and engage in water sports and activities. The waterside development and new pierhead line will extend to the limit of the federal navigational channel, as approved through permit number 2011-00766 (SOUTHWEST WATERFRONT REDEVELOPMENT/THE WHARF) issued by the U.S. Army Corps of Engineers. The boundary of the waterside development is co-terminus with the PUD boundary shown on Sheet 2.1 of Volume 0 of the drawings. (Ex. 200A.)

² The Stage 2 PUD application for Parcel 5 was subsequently filed on September 24, 2012, as Z.C. Case No. 11-03B and is presently under consideration by the Commission.

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Parcel 2 Proposed Development

28. Parcel 2 is located at the northwestern end of the PUD site. The new development on Parcel 2 will consist of a multi-purpose entertainment and cultural venue, ground floor retail space; a co-generation plant; and two residential "towers" above the entertainment venue. The building will have a total of approximately 606,087 square feet of gross floor area ("GFA") and a height of 130 feet. The entertainment venue will consist of approximately 142,514 square feet of GFA; the residential buildings will have 489 units with approximately 398,867 square feet of GFA; the retail space will consist of approximately 47,797 square feet of GFA; and the co-generation plant will have approximately 16,909 square feet of GFA. Perkins Eastman-DC is the architect for the building, with the Rockwell Group as the designer of the multi-purpose entertainment/cultural venue.
29. The Parcel 2 land area consists of 91,287 square feet but is part of the larger proposed lot of record that will encompass Parcels 1, 2, 3, 4, and 5, as shown on Sheet 1.13 in Exhibit 200A1 in the record ("Proposed Lot 1"). The Applicant proposes to locate multiple buildings on this single lot of record as permitted under § 2517. The overall land area of Proposed Lot 1 is 489,362. Together with the other proposed buildings in this first Stage 2 PUD application, Proposed Lot 1 will be developed with a total of 1,463,970 square feet of GFA, which equates to an overall density of 2.99 FAR.
30. The base, or "podium," of the Parcel 2 building will be five stories in height plus a mezzanine level, with the development above bisected in half on the diagonal to create two residential buildings on the outer corners of the site. The opening between the two buildings will create a dynamic elevated viewshed from 10th Street and Banneker Overlook across the site toward East Potomac Park. The roof will include a terrace area for residents to provide an attractive outdoor gathering spot while at the same time enhancing the elevated viewsheds across the building. As originally submitted in the Stage 1 PUD, the height of the five-story base was 63 feet, eight inches. As proposed in this Stage 2 application, the height has been reduced to 60 feet, eight inches, and thus does not exceed the parameters of the Stage 1 approval.
31. The multi-purpose entertainment and cultural venue is entered from the Wharf to create a dramatic interactive pedestrian experience along the development's waterfront. Retail spaces line the southeast and southwest sides of the building opening on to the Wharf and the District Pier, respectively. The District Pier will connect Maine Avenue to the Wharf and provide significant public access to the water. It will create a distinctive environment incorporating theater activities and unique retail spaces.

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32. The entrance lobby to the west residential building is located at the southwest portion of the building along the Wharf. The east residential building is accessed off of Maine Avenue with a convenience lobby entrance off of the District Pier. The variety of residential entry options and locations will allow for increased pedestrian activity along the Wharf, Maine Avenue, and the District Pier while enhancing resident convenience and flexibility.
33. The form of the building originates from several major influences and programmatic needs. The language of the materials and their disposition is based on a set of design guidelines written at the beginning of the master planning process. Its intent is to define a wharf-like environment at the lower "podium" level that is scaled for the pedestrian and retail experience. Brick of different colors and proportions are punctuated by significant glazed openings that showcase the various retailers within to help animate the street level and provide a welcoming and inviting pedestrian environment. Additionally, the podium level allows for significant canopies and signage opportunities, pedestrian-level lighting, and storefront displays and entries. The massing and materials respond to the different adjacencies of the building: the Wharf, District Pier, and Maine Avenue. The three-story co-generation plant, which, if feasible, will be located at the north corner facing Maine Avenue and will help promote the use of on-site sustainable energy production and provide an opportunity for public education.
34. Above the podium level, there are two residential towers that are shaped by both the elevated view corridor down the L'Enfant Promenade and from Banneker Overlook to the north as well as the multi-purpose entertainment and cultural space below. The materials and massing serve to visually reinforce the entry to the District Pier from both Maine Avenue and the Wharf, reduce the overall perceived mass and scale, and allow the residential nature of the building to be evident to the passerby.

Co-Generation Plant

35. As presently designed, the building is anticipated to include a combined heating and power ("CHP") or "co-generation" facility that will provide a significant portion of the necessary electrical, heating, and cooling power sources for the PUD site area northwest of 7th Street. The co-generation plant offers broad environmental benefits by offering significant reductions in the amount of coal-fire produced electricity that is consumed and using the efficiencies of the electrical generation process to create a district heating and cooling system for the project. It will re-use much of the site's on-site stormwater as part of the facility's cooling elements. The co-generation plant is a highly progressive sustainable amenity that will help to reinforce the Project's commitment to the environment.

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36. The CHP, if feasible, will be located at the northwest corner of the Parcel 2 building. It will be expressed on the exterior with mullioned glass to allow the industrial nature of the plant to be visible from the street. In the event the utility companies and the Applicant have not yet resolved critical design features by the time construction drawings need to proceed, the Applicant has submitted an alternative design for the building that converts the ground floor level to retail space and reallocates cultural and residential uses to the upper level spaces that were designated for CHP use. The Applicant requested flexibility from the Commission to proceed with either option, as shown in Sheets 1.47–1.49 of Volume I of the drawings. (Ex. 201A6.)

Parcel 1 Temporary Uses

37. Parcel 1 was approved in the first-stage PUD for an office building and will be the subject of a future second-stage application. In the interim, the Applicant will use Parcel 1 as a parking lot and periodic farmers' markets, arts and crafts festival site, and/or for similar market and festival uses. Parcel 1 would also include a ramp down to the parking garage that had previously been included in designs for Parcel 2. During the temporary use period, Parcel 1's appearance will be enhanced with landscaping and hardscaping, as shown in Volume I of the drawings. The Applicant will also use the area known as Market Square, as approved as part of the first-stage PUD, as an interim surface parking lot.

Dock Relocation Plan

38. As part of the waterside development, the old docks will be demolished to allow for construction of the new docks and piers. As part of the Parcel 2 PUD, the majority of the existing Capital Yacht Club ("CYC") docks will be removed and replaced by the Market Pier and Docks and the Transit Pier. The CYC boats will be relocated as new docks are constructed. The existing live-aboard community that is part of the Gangplank Marina will be relocated as part of this first phase of waterside development, as shown on the Waterside Transition Plans, Sheets 5.1–5.4, included in the Overall Plan Elements. (Ex. 200A8.)

Open Spaces and Thoroughfares

39. As one of the amenities of the project in the Stage 1 PUD, the Applicant is obligated to provide certain public-use piers, public parks, open spaces, roads, and other public-use spaces or infrastructure as prescribed by the Land Disposition Agreement with the District, which are referred to as Reconveyance Property, that is, portions of the PUD site to be reconveyed to the District. The Applicant must also provide for the maintenance as well as the use, operation and programming

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of the Reconveyance Property, including the closing of streets, holding of public and private events, and other uses and activities that may occur in these areas.

The Wharf

40. As described in the Stage 1 PUD, the Wharf will be, first and foremost, a pedestrian environment adjacent to the Washington Channel, but it also will operate to allow for low-speed, low-volume vehicular access to business fronts, restaurants, elderly and disabled passenger drop off, and valet parking along the water's edge. The Wharf will have the flexibility to be closed periodically for special events and certain nights and weekends to emphasize and enhance the pedestrian experience while still maintaining emergency access.
41. Approximately 1,250 linear feet of the Wharf, consisting of granite block pavers and/or unit pavers, will be constructed in this Phase 1 application. The Wharf will be developed primarily as a curbsless "shared space" that uses innovative physical design elements to limit vehicular speed, provide a safe pedestrian environment, and create a seamless and flexible space that is highly adaptable. It will utilize non-traditional traffic calming devices to specifically discourage high-volume, high-speed, vehicular thru-traffic. These include a variety of hardscape elements and street fixtures such as planters, bollards, paving patterns, site furniture, railings, planting areas, flush curbs, textures, water features, trench drains, and other tools to designate pedestrian-only zones from shared zones. A continuous pedestrian zone has been provided throughout the entire length of the Wharf and the overall design will include references to the history of the Southwest Waterfront in subtle and overt ways. The Wharf will be programmed carefully to mix pedestrian uses, vehicular uses, and commercial uses such as kiosks and café zone within its typical 60-foot width.
42. Innovative stormwater management designs have been carefully integrated into the Wharf design. Significant low impact development ("LID") zone-type plantings, which provide for a non-compacted soil media for the trees along the Wharf, will be included as well as a monumental reuse cistern. A double row of London Planetrees along the edge of the channel will provide cool shade for walking and sitting pedestrians, reduce urban heat island effect, reuse collected stormwater, and aid in associating the promenade's proximity to the water with the easily identifiable riparian trees. These measures will add to the pedestrian experience and drastically reduce or eliminate the stormwater runoff that enters the Washington Channel and will help to improve the health of the Potomac River watershed.

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Maine Avenue

43. The first Stage 2 PUD application proposes improvements along Maine Avenue from the south side of 7th Street Park to the north edge of Parcel 2. As contemplated in the approved Stage 1 PUD, Maine Avenue will be the city-side of the project area along on the northeast frontage of the site. Automobiles will turn from Maine Avenue into the mews streets alongside of the buildings to enter garages and service areas. Vehicular garage entries were purposefully designed to be at locations other than directly off of Maine Avenue or the primary pedestrian spaces and parks, such as District Pier and 7th Street Park, in order to provide a positive pedestrian experience and to provide for a variety of vehicular entry and exit options which will ease congestion and reduce impacts on the pedestrian environment.
44. Maine Avenue will be recast as an urban boulevard with 24-hour parallel parking along the curb on both sides of the street (as coordinated with DDOT) while maintaining the central median. The project buildings that front on Maine Avenue have been set back from the property line approximately 15 feet, except for bay projections and shop windows, and similar projections, to allow for variety, texture, and a generous sidewalk and planting zone as well as dedicated bicycle facilities. The utility relocation work in the Maine Avenue right-of-way has been carefully designed and coordinated with DDOT to permit for the potential future installation of streetcar tracks and infrastructure along the Maine Avenue corridor once the final alignment has been selected. The streetscape is designed with bus stops that can facilitate the planned reinstatement of the Circulator bus route and which can also be utilized in the future by streetcar service.
45. Maine Avenue will help connect the PUD to the surrounding neighborhood and the rest of the city. Newly planted Willow or Shumard Oak trees will match the existing Oaks along Maine Avenue. Twin 20 and Tear Drop light fixtures, trash and recycling containers, parking meters, and transit facilities will also continue the pattern of streetscape furnishings for the surrounding area.
46. A 10-foot-wide, bi-directional, grade-separated bicycle path facility has been designed for the entire length of Maine Avenue, which will be constructed in segments with each Stage 2 PUD. This route will be the final link in the Anacostia Riverwalk Trail and will provide safe and convenient bicycle connectivity along the site and to points north including the 14th Street Bridge and National Mall. Significant bicycle parking and two Capital Bikeshare stations are planned for Maine Avenue. Bicycle specific striping and signalization have been planned to help increase the safety of all road and sidewalk users. Sidewalk pedestrians are safely separated from bicycle traffic by a five-foot planting and

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- cafe seating area. In addition, passengers unloading from parked cars can travel along a 1.5-foot-wide curb walk to preferred bicycle path crossing points at the ends and middle of each block.
47. Like the Wharf, the Maine Avenue sidewalk reconstruction has been designed to incorporate a LID zone planting area, which collects stormwater from the sidewalk and contributes to the site's overall stormwater management plan. Additionally, the surface of the bicycle path is anticipated to be a permeable surface that helps reduce stormwater run-off. It will also help provide water to the critical root zone of the street trees along Maine Avenue. Permeable cobbles are placed between planting areas to provide for additional stormwater capture and treatment as well as locations for café seating. Significant efforts have been made to preserve healthy existing trees, including avoiding compaction of soil, design conflicts, and utilities in critical root zones. Two rows of newly planted trees are proposed with continuous soil trenches to provide tree canopy cover.
48. Intersections at 7th and 9th Streets will be reconstructed and new signalized intersections will be provided at the Fish Market entrance and at the intersection near Arena Stage. These intersection improvements include curb bulb-outs, striping, and other design features to increase the safety, visibility, and ease of pedestrian crossings. The Maine Avenue intersections with the news streets also include high visibility pavement marking and traffic control measures to protect pedestrians, cyclists, and vehicles.

Pier Facilities and Waterside Development

Transit Pier

49. The Transit Pier is located opposite Parcel 2 and will have generous open space adjacent to the Wharf before narrowing down to a more typical pier configuration. Within the wider section, terraced steps will provide seating for events, performances, river views and sunsets, and a location for water taxis, day tours, and music, theatrical, and sporting venues. The upper level of the pier will be at the same elevation as the adjacent Wharf.
50. The Transit Pier will take on a triangular shape that allows for the dynamic interplay between different program elements. Its shape negotiates a relationship with the overall layout of the waterfront parcels and site constraints imposed by the Metrorail infrastructure below. Combining clean geometries with a frugal palette of wood, metal, and glass, the design approach for the pier seeks to marry a contemporary aesthetic to the textures of traditional maritime architecture.

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51. The Transit Pier Pavilion is a one-story building with a roof deck that runs along the south edge of the pier and houses (from east to west) a box office for the multi-purpose entertainment and cultural venue across the pedestrian thoroughfare, a water taxi ticketing counter and waiting area, restrooms, security and access control, and a snack bar/café to serve the passengers. Each of these program pieces receives expression on the building's façade through a different storefront treatment and orientation.
52. Playing against the Pavilion's geometric regularity, a raised planter bound by an undulating two-tiered row of seating risers flanks the building's north face. Opposite the risers, at the triangular site's north point, a bosque of trees provides a porous boundary between the thoroughfare and the pier. Together, the bosque and the risers shape the northern and southern edges (respectively) of an impromptu performance space. Additional stepped seating and ADA access between the pier levels will occur at the pier's western edge, providing those seated with a view towards the cove.

Market Docks

53. The Market Docks will be newly constructed public floating docks for transient recreational vessels that will be located near the existing fish market. This will provide docking space for approximately 49 boats of various lengths. A majority of these slips will be available for visitor and touring boats that come to the Wharf and will offer stays as short as a few hours and as long as 10 days. This will provide a much-needed amenity to the touring boat community and will help to increase the opportunities for transient docking opportunities. The Applicant has received a boating infrastructure grant from the U.S. Fish & Wildlife Service to help fund the construction of these docks. The Market Docks will provide another source of pedestrian activity and visual interest along the waterfront.

Wharf Kiosks

54. Kiosks will be interspersed throughout the development along the Wharf. The project will provide "roughed-in" utilities and a flexible framework for the kiosks that can be filled in by individual tenants and users to adapt to their unique needs and to provide varied design concepts. These outdoor kiosk structures are designed to accommodate as incubator space for small local businesses, which can try out their retail concepts on a low-risk basis.

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Parking, Loading, and Site Circulation

55. This first Stage 2 PUD will provide below-grade parking in a shared garage for approximately 1,095 vehicles. In addition, the overall PUD will include an additional 93 spaces in a garage on Parcel 11, and a temporary surface parking lot with approximately 64 spaces will be located on Parcel 1. Over 400 existing below-grade and surface parking spaces located in Phase 3 of the PUD project can be used on an interim basis until Phase 3 construction begins.
56. The main shared parking garage is accessed from the northwest end of the PUD site in Parcel 2 from Theater Alley between Parcels 1 and 2 and in Parcel 4 from the Avenue Mews between Parcels 3A and 4. A grand pedestrian stair and fountain has been designed into the center of the parking garage below the District Pier. This stair will bring natural light and air into the garage and help welcome visitors to the project by bringing them up into the District Pier, one of the major public spaces, which will increase the pedestrian traffic, vitality, and excitement of this key public space.
57. The garage will include electric vehicle charging stations and car-sharing parking spaces as shown on the supplemental drawing Sheet 1.15 dated October 9, 2012. (Ex. 235B.)
58. Loading facilities will be located at each building at the interior of the building sites and will be accessed off of the mews streets. These loading facilities have been carefully located and optimized to minimize the impact on the pedestrian environment while providing adequate space for managed on-site loading and service needs. Truck size and hours will be carefully managed on-site to facilitate the operational and programmatic needs of the site, pursuant to the loading and curbside management plan. (Ex. 196.)
59. Bicycle parking and storage will be located throughout the PUD site. While only 75 spaces are required, the project will be providing spaces for 1,500-2,200 bicycles throughout the entirety of the PUD site. In this Stage 2 PUD, 712 long-term and 120 short-term spaces for bicycles will be located in the shared parking garage. Additional bike spaces will be located in public areas in the Stage 2 PUD, as shown on Sheet 2.5 of Volume 0 of the drawings. (Ex. 200A3.) Great care and consideration has been taken in the selection and mix of bicycle parking facilities in order to provide a great variety of parking facilities for all bicyclists. This includes below-grade secured long-term parking for commuters and residents, above-grade racks conveniently located for short-term parking, publically accessible below-grade parking for medium-term parking and bicycle parking in inclement conditions. Capital Bikeshare stations will be installed at the intersections of Maine Avenue and 7th and Maine Avenue and 9th Street. These

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facilities are located in highly visible and accessible locations and are sized to accommodate this increasingly popular mode of public transportation. The locations of the public bike racks and bike share stations are shown on Sheet 2.5 of Volume 0 of the drawings (Ex. 200A3).

60. Bicycle parking facilities have been selected to accommodate a wide range of bicycles types. Publically accessible air pumps and tool/repair stations will also be located throughout the project, as shown on Sheet 2.5 of Volume 0 of the drawings. (Ex. 200A3.) Bicycle facilities are treated as high quality street furniture that is seamlessly incorporated with the urban design of the project and will help to contribute to the project's sense of place.

Other Overall Plan Elements

61. The Overall Plan Elements are also included with this Stage 2 PUD, which will provide a cohesive design and sense of place through an attractive and consistent treatment of pavement, site furnishings, storefronts, signage, and lighting. Shared pedestrian and vehicular spaces will be treated with a differentiation of textures and color variations to demarcate the different zones. Benches along the Wharf will provide a continuous seating area, with numerical markers to orient and guide visitors, and give a sense of the great length of the Wharf. Interpretive signage will also be located throughout the project to tell the history of the area. The signage for buildings and street names is designed to be relatively discrete but clearly marked and easily visible. Manhole covers, which will be required to service utilities, will also be treated with a uniform graphic as part of the overall plan elements. Storefront design guidelines and signage guidelines, as described in the drawings, have been developed for future retail and service providers to ensure a level of quality and aesthetic cohesiveness to the project.
62. The Applicant also developed an extensive lighting plan, with a hierarchy to reflect the extent and intensity of light required for the various uses within the project. The Commission expressed concerns about the initial plan but finds the subsequent plan as presented on the July 31, 2012 hearing night, and as included in the final drawings, to be sensitively and attractively developed.

Affordable and Workforce Housing

63. The Stage 1 PUD requires the Applicant to set aside a total of 160,000 square feet of gross floor area to affordable housing throughout the project. Half of that amount must be affordable to households earning no more than 60% of the AMI for the Washington-Arlington-Alexandria, DC-VA-MD-WV Metropolitan Statistical Area and the remaining half affordable to households earning no more than 30% of AMI. The Stage 1 PUD order further requires the Applicant to

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provide a minimum of 70,000 square feet of affordable housing in the first Stage 2 application.

64. In this overall Stage 2 PUD application, the Applicant proposes to construct approximately 795,212 square feet of gross floor area dedicated to residential uses, which equates to approximately 900 units, in five different buildings. Of that amount, contained within Parcels 2A, 2B, and 4A are a total of approximately 156,504 gross square feet, which equates to approximately 218 units, will be devoted to affordable or workforce units. This includes approximately 55,059 gross square feet of the affordable housing provided, or approximately 76 units, which will be made available only to households earning up to 60% of the AMI, approximately 48,505 gross square feet of the affordable housing, or approximately 69 units, which will be set aside for households earning up to 30% of AMI, approximately 34,507 gross square feet of the workforce housing, or approximately 48 units, which will be made available only to households earning up to 100% of the AMI, and approximately 18,433 gross square feet of the workforce housing, which equates to approximately 25 units, which will be made available to households earning up to 120% of the AMI. Additionally, in Parcel 11 there is a total of approximately 8,709 gross square feet, which equates to approximately 12 units, of Inclusionary Zoning housing. This includes approximately 4,307 gross square feet of inclusionary zoning housing, or approximately six units, which will be made available only to households earning up to 50% of the AMI, and approximately 4,401 gross square feet of inclusionary zoning housing, or approximately six units, which will be made available only to households earning up to 80% of the AMI. The breakdown of affordable units and their parcel location is shown on Sheets 4.1– 4.9 of Volume I of the drawings. The balance of the residential space will be devoted to market rate units. (Ex. 200A7, 200A8)

65. With respect to the Parcel 2A residential building, the Applicant will provide approximately the following level of affordable, workforce, and market-rate units with the approximate square footages shown:

Affordable (30% AMI)	21,546 SF of GFA (29 units)
Affordable (60% AMI)	26,800 SF of GFA (35 units)
Workforce (100% AMI)	12,150 SF of GFA (15 units)
Workforce (120% AMI)	7,776 SF of GFA (10 units)
Market Rate	163,069 SF of GFA (192 units)

66. With respect to the Parcel 2B residential building, the Applicant will provide the following level of affordable, workforce, and market-rate units with the approximate square footages shown:

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Affordable (30% AMI)	16,317 SF of GFA (22 units)
Affordable (60% AMI)	13,163 SF of GFA (16 units)
Workforce (100% AMI)	11,565 SF of GFA (16 units)
Workforce (120% AMI)	5,942 SF of GFA (8 units)
Market Rate	120,540 SF of GFA (146 units)

- 67. Consistent with the Stage 1 PUD Order, the proportion of studio, efficiency, and one-bedroom Affordable Units to all Affordable Units shall not exceed the proportion of market-rate studio, efficiency, and one-bedroom units to all market-rate units within a mixed-income building.
- 68. The Southwest Waterfront PUD is the first PUD project in the District to incorporate a significant workforce housing component into such an economically diverse mixed-income housing program. The workforce housing at 100% AMI and 120% AMI fulfills a much needed housing affordability gap within the District.
- 69. The need for workforce housing affordability is a broader national trend that stems from the fact that most current measures utilized by housing affordability programs, the mortgage interest deduction excluded, are only available for, or heavily weighted towards, households that are below the 80% AMI threshold. This is evidenced by the Community Development Block Grant (“CDBG”) program which must dedicate at least 70% of its funds to benefit low- and moderate-income programs at or below 80% AMI, the HOME Investment Partnership program which only assists households below the 50%, 65%, or 80% AMI levels, the federally-regulated multifamily housing bond programs which must be primarily used for households with incomes up to 50% and 60% AMI, and the various housing trust fund programs that traditionally focus on households earning below 50% or 80% percent AMI.

Sustainable (LEED) Development

- 70. The Applicant has developed guidelines to ensure that the vertical development of this Stage 2 application has been designed in accordance with LEED-ND Gold objectives, in order to meet individual certification requirements and to comply with the overall larger framework of LEED-ND criteria. (See Z.C. Order No. 11-03, at p. 36 (Condition No. B-7)). With the exception of the church portion of the Parcel 11 building, each new building or vertical development component will achieve a LEED-NC (new construction) or LEED-CS (core and shell) Silver rating or higher. With the exception of the church portion of the Parcel 11 building, each building has also been designed to meet the LEED stormwater requirements for both quality and quantity in conformance with the certification process sought for each building. The buildings are tentatively designed to

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achieve that rating as shown on the LEED score sheets included with the architectural drawings for each parcel of this Stage 2 PUD.

71. The LDA between Hoffman-Madison and DMPED requires the project to incorporate sustainable design criteria and pursue LEED 2009 for Neighborhood Development (LEED ND) certification by the Green Building Certification Institute (GBCI) at the Gold level or higher. LEED certification at the target level requires compliance with and documentation of all prerequisites and between 60 and 79 points.
72. In keeping with the approved Stage 1 PUD and the LDA, the overall project is designed and developed in its entirety to meet the requirements of the D.C. Green Building Act of 2006 that came into effect March 8, 2007. All individual buildings within the project, with the exception of St. Augustine's Church on Parcel 11, will pursue LEED certification with the GBCI at the Silver level or higher in compliance with the appropriate individual building certification system, New Construction (NC), Core & Shell (CS) or Commercial Interiors (CI).
73. Sustainable strategies include creating pedestrian-friendly streets by limiting speeds and the design of the streetscape; creating civic, public use spaces and basic services that are accessible on foot, and energy efficiency at the macro level.
74. The project incorporates progressive strategies to address the management and treatment of the large volumes of stormwater generated on site. This is being done through the use of extensive Low Impact Development zones along Maine Avenue and the Wharf, and within the 7th Street Park and Waterfront Park and through the construction of a monumental stormwater reuse cistern. The monumental cistern will collect up to the 3.2-inch storm event from the main parcel/Wharf area as required by the Anacostia Waterfront Development Zone stormwater regulations and will reuse a portion of it for on-site uses such as condenser water make-up (primarily through the makeup requirement for the CHP/Cogen plant). This stormwater reuse program treats stormwater as a resource instead of a liability, will be one of the most progressive in the nation, and will help to improve the health of the Potomac River Watershed and the overall Chesapeake Bay. All individual buildings within the project, with the exception of the church portion of the Parcel 11 building, will therefore meet or exceed the LEED NC & ND stormwater credits as appropriate to the rating system under which certification is being sought under. Individual buildings will also perform periodic water quality testing on the generated stormwater runoff from the site.

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Project Association

75. The Applicant will create and manage a project association for the PUD that will be responsible for maintenance and improvements of the private roadways, alleys, bicycle paths, promenade, sidewalks, piers, parks, and signage, within the PUD boundaries ("Project Association"). The Applicant will manage and operate the Project Association during the "developer control period," as defined in the Applicant's Declaration of Covenants with the District of Columbia. The developer control period begins upon the effective date of the Declaration of Covenants and ends five years after issuance or deemed issuance of the last certificate of completion for all portions of the PUD site and unit certificates of completion for each residential condominium unit. The project association will fund maintenance and programming elements of the project's common elements through a Common Area Maintenance ("CAM") assessment charge to each development component within the PUD. Additionally, the Project Association will be responsible for programming and staging events within the PUD.

CBE and First Source Employment Opportunities

76. The Applicant has entered into a Certified Business Enterprise ("CBE") Agreement, with the D.C. Department of Small and Local Business Development ("DSLBD") in order to achieve, at a minimum, 35% participation by certified business enterprises in the contracted development costs for the design, development, construction, maintenance, and security for the project to be created as a result of the PUD.
77. The Applicant has also executed a First Source Employment Agreement with the Department of Employment Services to achieve the goal of utilizing District residents for at least 51% of the PUD project. (Ex. 209.) Prior to issuance of a building permit for any construction of the Parcel 2 PUD, the Applicant shall complete the Construction Employment Plan (referred to during the hearing as "page 11") of the First Source Employment Agreement outlining the hiring plan for the project. The Applicant and the contractor, once selected, shall use best efforts to coordinate apprenticeship opportunities with construction trades organizations, the D.C. Students Construction Trade Foundation, which is an affiliate of the Cardozo Trades Academy, and other training and job placement organizations to maximize participation by District residents in the training and apprenticeship opportunities in the PUD.
78. In a separate effort, the Applicant has committed that 20% of the retail space will be set aside for "unique" and/or "local" businesses. As defined under the LDA, a "local" business is a retailer that is either a CBE or a retailer headquartered in the District of Columbia. A "unique" business is a retailer owning or operating fewer

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than eight retail outlets in the aggregate at the time such retailer enters into a retail lease at the PUD (inclusive of such retail outlet at the PUD). The Applicant will work collaboratively with business and community organizations throughout the District to identify potential small restaurateurs and retailers to help them lease and successfully operate these retail spaces. The Applicant will also have kiosks along the promenades, and in parks and other public spaces, where even smaller local businesses can try out their retail concepts on a low-risk basis; those kiosk operators who are successful may have the opportunity to move indoors, into one of the spaces reserved for unique and local business enterprises, thereby growing their business.

Workforce Intermediary Program

79. Consistent with the Stage 1 PUD approval, the Applicant has committed to contributing \$1 million to the District's Workforce Intermediary Program. At the time of the Stage 1 PUD approval, the Applicant had already paid \$250,000 of that commitment. The Applicant will fund the remaining \$750,000 as part of this Stage 2 PUD upon the request of the District.

Project Benefits and Amenities

80. In its Stage 1 approval of the PUD, the Commission evaluated the public benefits and amenities of the PUD, concluded they were an adequate tradeoff for the zoning flexibility requested, and required the Applicant to identify the benefits and amenities proposed for each Stage 2 application, as well as the overall status of the delivery of the benefits and amenities for other aspects of the PUD. This Stage 2 application delivers the appropriate benefits and amenities required by the Stage 1 order for this portion of the overall development.

Development Incentives and Flexibility

81. *Roof structure setbacks:* Pursuant to § 411 of the Zoning Regulations, all penthouse roof structures are required to be setback one foot from the exterior walls of the building for each foot of vertical height of the penthouse. Here, the Applicant is proposing a penthouse height of 18 feet, six inches, thereby requiring a setback from the roof edge of 18 feet, six inches. As originally submitted, the Applicant sought a greater degree of relief from the setback requirements but redesigned the penthouses in response to comments from the Commission. The modest relief now required is the minimum needed to accommodate mechanical and elevator override equipment and required stair egress for penthouses, while preserving the two separate building masses for the residential towers and protecting the viewshed from Banneker Overlook through the project. The

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Commission finds the relief can be granted because the reduced setbacks will not affect the light and air of units at the interior courtyard.

82. *Number of Residential Units:* The Applicant requested flexibility to provide a range in the number of residential units on Parcel 2 of plus or minus 10% from the number depicted on the plans. OP suggested that a smaller variation would result in more certainty about the potential benefits and impacts of residential uses on Parcel 2. Nevertheless, the Commission finds that 10% deviation requested is consistent with other PUDs, most recently for the project in Z.C. Order No. 11-12 (providing a range of 153-189 residential units). Consequently, the Commission finds the 10% deviation requested by the Applicant appropriate in this case as well.
83. *Cogeneration Plant:* The Applicant also requested flexibility to substitute the cogeneration power plant, which may include micro-turbines, reciprocating engines or fuel cells, with other power sources. These alternative power sources may be located on Parcel 2 or within each of the individual buildings on the other building parcels. Any mechanical equipment required for the alternative power sources could be located within a building or on the roof of a building, provided the additional rooftop equipment meets the height and setback requirements of the Zoning Regulations. The Applicant further requested flexibility to enclose the additional rooftop equipment with walls of unequal height and in separate enclosures so as to reduce the bulk, mass, and appearance of the roof structures from street level.
84. No other zoning relief was requested or granted.
85. *Flexibility for Minor Design Details:* Additionally, the Applicant requested minor relief from the architectural details, materials, interior layouts, and other similar relief that is typical in PUD applications to allow for adjustments as designs develop into the construction detail phase. The Commission finds that such relief is also appropriate in this instance, as well, as noted in the conditions below.

Office of Planning Report

86. By report dated June 18, 2012, OP recommended approval of the Parcel 2 PUD components, including the Wharf adjacent to Parcel 2, the Transit Pier and transit Pavilion, Parcel 1 Temporary uses, Market Square Temporary Design, Market Pier and Day Docks, Maine Avenue sidewalk area adjacent to Parcel 2, and the dock relocation plan. OP was also generally supportive of the overall massing, height, and use mix on the Parcel 2 building, but noted that additional refinement was needed before OP could make a final recommendation. The Applicant

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provided revised drawings at the hearing on June 28 and July 31 in this matter, which OP endorsed during the hearing.

DDOT Report

87. DDOT submitted a memorandum, dated June 18, 2012, in support of the PUD, with several recommendations. DDOT concluded that, after an extensive multi-administration review, that any adverse effects of the Phase I development could be mitigated, and that the Applicant had adequately documented the most likely extent of those impacts. DDOT also noted, however, that there are significant needs to be addressed in the local and regional transportation system to handle the pedestrian, transit, and vehicular traffic generated by the development, most of which the Applicant documented and addressed through their statement. DDOT recommended that an enforceable monitoring program for Transportation Demand Management be implemented to mitigate future impacts, should they arise.
88. In response to the DDOT report, the Applicant submitted a Supplemental Transportation Impact Study incorporating these recommendations in coordination with DDOT, as well as a Curbside Loading and Management Plan. The Commission finds that Applicant has satisfactorily addressed these concerns through its supplemental curbside management and loading plan submitted to the record on November 28, 2012. (Ex. 246, 246B.) The Commission further finds that the curbside loading and management plan adequately address the traffic and transportation concerns affecting the Parcel 2 PUD.

ANC Report

89. On June 19, 2012, ANC 6D submitted its initial resolution to the record in opposition to the Application based on insufficient time to review materials provided by the Applicant. The ANC was concerned about issues raised by the GPSA; the relation of the project to the North; changes that might occur in the project as a result of USACE review and pending legislation affecting the Washington Channel; traffic; and concerns related to Kastles Stadium, Parcel 11, and the Waterfront Park.
90. On August 21, 2012, ANC 6D submitted a second resolution to the record rescinding its June 19 resolution and supporting the Stage 2 PUD, with conditions. The ANC requested the Commission to review the materials the Applicant submitted in response to the ANC. (Ex. 171-171CC2.) The ANC commented on the progress that had been made among GPSA, the Applicant, and the Deputy Mayor's Office for Planning and Economic Development in reaching an agreement on the successful continuation and accommodation of the live-

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- aboard community. The ANC continued to express dissatisfaction with DDOT's analysis of the project because DDOT has not yet concluded its M Street SE/SW Transportation Plan. The ANC was also dissatisfied with DDOT's planning for the Circulator bus for Southwest Waterfront.
91. The ANC was pleased with the Applicant's First Source Employment and Certified Business Enterprise agreements, but requested assurances that the Applicant would comply with the terms of those agreements and institute the apprenticeship program also required under the LDA and PUD.
 92. The ANC also expressed concerns about other portions of the Stage 2 application, which are addressed in the separate orders for those segments.
 93. In response, the Commission concurs with the ANC's support for the project. The Commission shares the ANC's desire for the Applicant to abide by the terms of the First Source and CBE agreements and finds that there are adequate enforcement measures within the D.C. Department of Employment Services and the D.C. Department of Small and Local Businesses to assure compliance.
 94. With respect to the adequacy of DDOT's evaluation of the project in light of the M Street SE/SW Transportation Plan, the Commission finds that the Transportation Study prepared by the Applicant adequately and thoroughly evaluated the project for adverse impacts. The Commission finds that the project will feature progressive transportation demand management measures ("TDM") that will help maintain the roadway network at acceptable levels of service. DDOT's recommendation for additional TDM measures that can be implemented in the future, as warranted, successfully addresses current projects but also adequately protects against unanticipated traffic impacts. The Applicant and DDOT have continued to work collaboratively on the TDM program and have reached an agreement on the TDM approach, as indicated by materials submitted to the record on November 28, 2012. The Commission appreciates that the Applicant and DDOT have worked together collaboratively and concurs with DDOT's agreement to the Applicant's proposed TDM approach.
 95. The Commission accords great weight to the views of the ANC and finds that the Applicant has responded appropriately to each issue raised.

Other Required Governmental Approvals

96. The U.S. Commission of Fine Arts ("CFA") reviewed the conceptual plans for the Parcel 2 PUD pursuant to its authority under the Shipstead-Luce Act. CFA recommended approval of the Parcel 2 PUD on July 19, 2012.

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Gangplank Slipholders Association

97. GPSA testified as a party in opposition to the Parcel 2 PUD. GPSA's concerns were focused on the status of the live-aboard community and mechanisms to assure its protection. GPSA requested a mechanism for transferring live-aboard status that protects the slipholders' investment in their vessels and encourages continued investment and upkeep during construction; a transition plan that covers not only boat movements but livability and affordability; recognition that preservation of the "unique live-aboard community" as recognized by the Commission during the Stage 1 PUD requires special attention to lighting, noise, visual privacy, and other project elements that would directly affect the slipholders' quality of life during and after construction; protections against delays in construction, interruption of services, increases in fees and changes in marina slipholder requirements. GPSA submitted for the record a proposed outline of minimum transition plan elements that it would like to see implemented.
98. GPSA also expressed specific concerns about the landside facilities essential to its successful function, such as marina security, access control, shipping and receiving rooms, restrooms, maintenance, and laundry facilities.
99. The Gangplank Marina will not be redesigned or developed as part of this Stage 2 PUD. However, portions of the existing Gangplank Marina will be removed to allow construction of the Phase 1 waterside plan. Prior to commencement of construction of the Phase 1 marina, existing live-aboard slipholders will be relocated to the existing docks within the Gangplank Marina.
100. The District of Columbia owns the Gangplank Marina and the slipholders hold licenses, which must be renewed annually, to occupy the slips with their boats. By letter dated March 1, 2012, the slipholders were forwarded their license agreements for renewal for the period April 1, 2012 through March 31, 2013. The letter advised the slipholders of the transition plans and notified them that beginning on January 1, 2013, the Applicant would have the right, in its sole discretion, to cancel the license agreement pursuant to Paragraph 30 therein in anticipation of or connection with the commencement of Phase 1 of the project. (Ex. 122.)
101. The Commission is left, then, to balance (i) the clear rights of the Applicant to cancel the slipholders license in order to proceed with development against (ii) the Stage 1 PUD requirement to provide for a live-aboard community during construction with approximately 94 boat slips, with provisions for reasonable continuity of services, utilities, and amenities during construction for the existing live-aboard slipholders.

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102. The Applicant presented a detailed transition diagram at the July 12, 2012 hearing, which was also submitted in the drawings to the record. Additionally, the record also reflects a detailed written transition plan dated July 27, 2012, prepared by the Applicant that was submitted to the ANC to help inform the ANC in its own deliberations on the project. (Ex. 171AA). The plan provides for 94 live-aboard slips and for the reasonable continuation of services, utilities, and amenities during construction.
103. This plan was formally accepted by GPSA through an agreement with the Applicant, a copy of which was submitted to the record. (Ex. 235C.) The Commission is satisfied that the transition plan meets the requirements of the Stage 1 PUD. (Ex. 171AA.) The Commission notes that the Applicant represented at the July 31, 2012, hearing night that it had reached an accord with GPSA and there was no testimony to contradict that statement.

U.S. Army Corps of Engineers

104. In order to pursue development of the waterside elements of the PUD, the Applicant is required to obtain a permit from the U.S. Army Corps of Engineers ("USACE"), which has jurisdiction over the navigable waters of the United States. USACE provided the permit on July 31, 2012, and a copy was submitted to the record. (Ex. 184.) The permit authorizes the construction of the waterside development, including the Market Pier and Docks, the Transit Pier, the District Pier, the 7th Street Pier, the Gangplank Marina, the Capital Yacht Club marina, the bulkhead Pier 3, Pier 4, and the mooring field. The permit allows the development of the areas to the limit of the federal navigational channel, consistent with the dimensions of the improvements shown on the drawings submitted to the PUD record.
105. There was considerable testimony in opposition to the waterside development and, in particular, the deauthorization of the navigable channel and related navigational and anchoring issues. Several individuals testified that the proposed dock and pier extension would impede boat traffic and reduce the opportunities to anchor in the Washington Channel. Many witnesses were concerned that waterside improvements had expanded since the Stage 1 PUD approval. The Commission notes that presently, the ability to anchor in the Washington Channel is under the jurisdiction of the Harbormaster and will remain so in the future.
106. Based on the Applicant's testimony and the drawings in the record, however, the fixed docks and piers have actually been reduced from the approved Stage 1 PUD by approximately 23%. This is a result of the elimination of the commercial pier and the residential building on Pier 4. Additionally, the docks and fixed obstructions in the channel have been pulled back between 40 feet and 75 feet

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from the Federal Navigation channel. These changes were in direct response to the USACE comments.

107. The Applicant has also adequately addressed issues surrounding the perceived challenges of the mooring field raised by the cruising community. The Phase 1 plan for the waterside development will include a mooring field for 15 vessels of various length via single point moorings, which are an economical and safe way to accommodate cruising boats that do not desire a fixed slip while visiting. The Commission notes that the proposed mooring field lies outside the boundaries of the PUD and thus is technically not within the Commission's jurisdiction.³ Nevertheless, the Commission is satisfied that the cruising community's concerns have been addressed.

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.)
2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, FAR, 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.
3. Development of the property included in this application carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned developments, which will offer a project with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
4. The Parcel 2 PUD meets the minimum area requirements of § 2401.1 of the Zoning Regulations.

³ The Commission notes that President Obama signed H.R. 2297 on July 9, 2012, that deauthorized the Washington Channel.

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5. The Parcel 2 PUD, as approved by the Commission, complies with the applicable height, bulk, and density standards of the Zoning Regulations. The residential uses for this project are appropriate for the PUD Site. The impact of the project on the surrounding area is not unacceptable. Accordingly, the project should be approved.
6. This Stage 2 PUD is substantially in accordance with the elements, guidelines, and conditions of the first-stage approval and thus should be granted. Pursuant to § 2408.6, if the Commission finds the Stage 2 PUD Application to be in accordance with the intent and purpose of the Zoning Regulations, the PUD process, and the first-stage approval, the Commission shall grant approval to the second-stage application, including any guidelines, conditions, and standards that are necessary to carry out the Commission's decision. As set forth above, the Commission so finds.
7. The Application can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.
8. The Applicant's request for flexibility from the Zoning Regulations is consistent with the Comprehensive Plan. Moreover, the project benefits and amenities are reasonable trade-offs for the requested development flexibility.
9. Approval of this Parcel 2 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 site 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.
10. 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 (2001)), to give great weight to OP recommendations. The Commission carefully considered the OP report and its oral testimony at the hearing. As explained in this decision, the Commission finds OP's recommendation to grant the applications persuasive.
11. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to the issues and concerns raised in the written report of the affected ANC. The Commission has carefully considered the ANC 6D's recommendation for approval and concurs in its recommendation.

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12. The application for a PUD 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 the application for approval of the Stage 2 PUD for the Overall Plan Elements, Parcel 2, Temporary Uses on Parcel 1, the Transit Pier, and adjacent spaces, subject to the guidelines, conditions, and standards set forth below.

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

A. Project Development

1. The Parcel 2 PUD shall be developed substantially in accordance with the Overall Plan Elements (Volume 0) and Parcel 2 and related plans (Volume I) prepared by Perkins Eastman Architects, dated August 21, 2012, marked as Exhibits 200A and 201A in the record, as updated with a corrected sheet dated August 28, 2012, and marked as Exhibit 218; as modified by the guidelines, conditions, and standards herein. The pierhead line is extended to the limit of the federal navigational channel and is co-terminus with the waterside PUD boundary shown on Sheet 2.1 of Volume 0 of the drawings. (Ex. 200A.)
2. Parcel 2 PUD shall be subdivided into and included in a proposed single lot of record (Proposed Lot 1) containing 489,362 square feet of land area, as shown on Sheet 1.13 of Volume 0 of the drawings dated August 21, 2012, and marked as Exhibit 200A in the record. The Proposed Record Lot 1 may accommodate multiple buildings on a single lot of record.
3. Parcel 2 shall be developed as a single building for zoning purposes, consisting of four segments: an entertainment/cultural venue with approximately 142,514 square feet of gross floor area ("GFA"); residential uses comprised of approximately 489 units with approximately 398,867 square feet of GFA; retail space consisting of approximately 47,797 square feet of GFA; and a co-generation plant with approximately 16,909 square feet of GFA. The building shall have a total of 606,087 square feet of GFA and a maximum height of 130 feet.

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4. This Stage 2 PUD shall provide the parking garage at Parcels 2, 3, and 4, as shown on the drawings, which shall provide approximately 1,095 vehicle spaces, as shown on the drawings in Volume 0, Sheets 1.15–1.16. (Ex. 200A.) Approximately 832 bicycle spaces shall be provided in the shared garage. Loading facilities for the Parcel 2 PUD shall be provided as shown on Sheet 3.8 of Volume I of the drawings. (Ex. 201A.) The Parcel 2 Building shall also include the installation or relocation of the Capital Bikeshare Station and the bike racks adjacent to Parcel 2 (along the Wharf and Maine Avenue), as shown on Sheet 2.5 of Volume 0 of the drawings. (Ex. 200A3.) Electric vehicle charging stations and car-sharing spaces shall also be located in the garage as shown on the drawings. (Ex. 235B.) The Applicant shall implement the loading and curbside management plan set forth in Exhibit 179 to the record, and the TDM Monitoring Plan set forth in Exhibit 178 to the record, as amended by Exhibits 246A and 246B. The Applicant shall have the flexibility to modify the monitoring/reporting requirements in coordination with DDOT.
5. The Applicant shall have flexibility with the design of the PUD in the following areas:
 - a. To provide a range in the number of residential units on Parcel 2 of plus or minus 10% from the number depicted on the plans;
 - b. From the roof structure setback requirements, consistent with the roof plans submitted as part of the drawings;
 - c. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the buildings;
 - d. To vary the location and configuration of the affordable units so long as the proportion of studio, efficiency, and one-bedroom affordable units to all affordable units shall not exceed the proportion of market-rate studio, efficiency, and one-bedroom units to all market rate units with a mixed-income building. The affordable units shall be of a size equal to the market-rate units, provided that the affordable units may be the smallest size of each market-rate type and have no luxury-scaled unit counterpart;
 - e. To vary the garage layout, the number, location, and arrangement of the parking spaces, provided that the total number of parking spaces is not reduced by more than five percent of the 1,095 spaces shown in the shared parking garage;
 - f. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction, without reducing the quality of the materials; and to make minor refinements to exterior details and dimensions, including curtainwall mullions and spandrels, window frames, glass types, belt

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- courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code, the recommendations of the U.S. Commission of Fine Arts, or that are otherwise necessary to obtain a final building permit;
- g. To vary the final design of retail frontages, including locations of doors, design of show windows and size of retail units, to accommodate the needs of specific retail tenants;
 - h. To vary the location and size of signs on the buildings, as long as they conform to the sign guidelines for the PUD;
 - i. To vary the selection of plantings in the landscape plan depending on seasonal availability within a range and quality as proposed in the plans; and
 - j. To substitute the co-generation power plant, which may include micro-turbines, reciprocating engines, or fuel cells, with alternative power sources. These alternative power sources may be located on Parcel 2 or within each of the individual buildings on the other building parcels. Any mechanical equipment required for the alternative power sources may be located within a building or on the roof of a building, provided the additional roof top equipment meets the height and setback requirements of the Zoning Regulations. The Applicant shall have the flexibility to enclose the additional rooftop equipment with walls of unequal height and in separate enclosures so as to reduce the bulk, mass, and appearance of the roof structures from street level.
6. Prior to the issuance of a building permit for the Parcel 1 building as contemplated under the Stage 1 PUD, the Applicant may implement the temporary uses on Parcel 1, which include an interim parking lot with up to 65 spaces, and periodic farmers' markets, arts and crafts festivals, and similar market or festival uses, with landscaping and hardscaping, as shown on the drawings.
7. The Applicant shall implement the Phase 1 Waterside Relocation Plan, as shown in Volume 0, Sheets 5.1–5.4 (Ex. 200A8).

B. Public Benefits

1. During the life of the project, the Parcel 2 PUD shall include a Combined Heating and Power (CHP) Plant, as shown on the drawings in Volume I (Ex. 201A), which will re-use much of the site's on-site stormwater as part of the facility's cooling elements; *provided, however*, that if the utility companies have not supplied the Applicant with the necessary commitments and infrastructure plans to incorporate the CHP Plant into the building prior to submission for the building permit for Parcel 2, then the Applicant shall have the flexibility to proceed with alternative heating and power sources. In the event alternative sources are used,

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the Applicant shall have the flexibility to proceed with the alternative drawings in Volume I (Ex. 201A) at Sheets 1.48–1.51, and incorporate any related mechanical equipment on the roof of the Parcel 2A and Parcel 2B buildings. The additional rooftop mechanical equipment shall not generate any additional zoning relief, except that the enclosure walls may be of differing heights to minimize visibility of the roof structures from the street.

- 2. During the operation of the project, the Applicant shall provide in the Parcel 2A residential building the following level of affordable, workforce, and market-rate units with the approximate square footages shown:

Affordable (30% AMI)	21,546 SF of GFA (29 units)
Affordable (60% AMI)	26,800 SF of GFA (35 units)
Workforce (100% AMI)	12,150 SF of GFA (15 units)
Workforce (120% AMI)	7,776 SF of GFA (10 units)
Market Rate	163,069 SF of GFA (192 units)

- 3. During the operation of the project, the Applicant shall provide in the Parcel 2B residential building the following level of affordable, workforce, and market-rate units with the approximate square footages shown:

Affordable (30% AMI)	16,317 SF of GFA (22 units)
Affordable (60% AMI)	13,163 SF of GFA (16 units)
Workforce (100% AMI)	11,565 SF of GFA (16 units)
Workforce (120% AMI)	5,942 SF of GFA (8 units)
Market Rate	120,540 SF of GFA (146 units)

- 4. During the life of the project, the proportion of studio, efficiency, and one-bedroom Affordable Units to all Affordable Units shall not exceed the proportion of market-rate studio, efficiency, and one-bedroom units to all market-rate units within a mixed-income building.

- 5. During the life of the project, the PUD shall implement the guidelines for signage, storefront, street furniture, and fixtures for the Parcel 2 Building, Transit Pier, and areas of the Wharf and Maine Avenue adjacent to Parcel 2, as shown on Sheets 2.5–2.28 of Volume 0 the drawings. (Ex. 200A.)

- 6. The Parcel 2 Building shall be designed to satisfy a LEED-NC (new construction) or LEED-CS (core and shell) Silver rating or higher, consistent with the score sheets submitted as Sheet 1.52 of the Volume I (Ex. 201A) of the drawings. The Applicant shall put forth its best efforts to design the Parcel 2 Project so that it may satisfy such LEED-NC (new construction) or LEED-CS (core and shell)

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Silver rating or higher but the Applicant shall not be required to obtain the certification from the United States Green Building Council.

7. Prior to issuance of the certificates of occupancy for the Parcel 2 Residential Buildings, the Applicant shall obtain the necessary permits for the improvements to Maine Avenue and the Wharf adjacent to Parcel 2, as shown on Sheets 2.1–2.7 and Sheets 2.16–2.19 of Volume I of the drawings (Ex. 201A); and the improvements to Theater Alley between Parcels 1 and 2, the Transit Pier and the Market Pier and Day Docks, as shown on Sheets 2.8–2.15, and Sheet 2.22 of the drawings (Ex. 201A.). Signage, street furniture and fixtures, and lighting for the Parcel 2 PUD shall be installed consistent with the plans. (Ex. 200A.)
8. Prior to issuance of the first certificate of occupancy for the Application, the Applicant shall establish the Project Association for the PUD that will be responsible for maintenance and improvements of the private roadways, alleys, bicycle paths, promenade, sidewalks, piers, parks and signage within the PUD boundaries. Additionally, the Project Association will be responsible for programming and staging events within the PUD. The Project Association will fund maintenance and programming elements of the project's common elements through a Common Area Maintenance (“CAM”) assessment charge to each development component within the PUD. The Applicant shall create, manage and operate the Project Association during the "developer control period," which begins on the effective date of the Declaration of Covenants between the District of Columbia and the Applicant and ends five years after issuance or deemed issuance of the last certificate of completion for all portions of the PUD site and unit certificates of completion for each residential condominium unit.
9. During the life of the project, the Applicant shall abide by the executed CBE Agreement with the Department of Small and Local Business Development to achieve, at a minimum, 35% participation by certified business enterprises in the contracted development costs for the design, development, construction, maintenance, and security for the project to be created as a result of the PUD. The Applicant shall comply with the LDA requirement to set aside 20% of the retail space for “unique” and/or “local” businesses, as defined in this Order.
10. During the operation of the project, the Applicant shall abide by the terms of the executed First Source Employment Agreement with the Department of Employment Services (Ex. 209) to achieve the goal of utilizing District residents for at least 51% of the new jobs created by the PUD project. Prior to issuance of a building permit for any construction of Parcel 2, the Applicant shall complete page 11 of the First Source Employment Agreement outlining the hiring plan for the project. The Applicant and the contractor, once selected, shall use best efforts to coordinate apprenticeship opportunities with construction trades organizations,

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the D.C. Students Construction Trade Foundation, which is an affiliate of the Cardozo Trades Academy, and other training and job placement organizations to maximize participation by District residents in the training and apprenticeship opportunities in the PUD.

11. At such time as requested by the District, the Applicant shall pay to the District \$750,000 in support of the District's Workforce Intermediary Program.

C. Miscellaneous

1. 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 Applicant and the District of Columbia that is satisfactory to the Office of the Attorney General and the Zoning Division, Department of Consumer and Regulatory Affairs ("DCRA"). Such covenant shall bind the Applicant and all successors in title to construct and use the property in accordance with this order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.
2. The PUD shall be valid for a period of two years from the effective date of Z.C. Order No. 11-03A(2). Within such time, an application must be filed for a building permit for the construction of the project as specified in 11 DCMR § 2409.1; the filing of the building permit application will vest the Order. Construction of the project must commence within three years of the effective date of Z.C. Order No. 11-03A(2).
3. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 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 that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On November 14, 2012, upon the motion of Commissioner Turnbull, as seconded by Vice Chairman Cohen, the Zoning Commission **APPROVED** the Application at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Marcie I., Cohen, Peter G. May,

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and Michael G. Turnbull to approve; Robert E. Miller, not having participated, not voting).

On January 14, 2013, upon the motion of Vice Chairman Cohen, as seconded by Commissioner May, the Zoning Commission **ADOPTED** this Order its public meeting by a vote of **4-0-1** (Anthony J. Hood, Marcie I. Cohen, Peter G. May, and Michael G. Turnbull to adopt; Robert E. Miller, not having participated, not voting).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on February 15, 2013.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission
ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 11-03A(2)
Z.C Case No. 11-03A
Hoffman-Struever Waterfront, LLC
(Second-Stage Planned Unit Development – Southwest Waterfront)
Parcel 3A, Parcel 3B, District Pier, Pier and Avenue Mews, and Adjacent Spaces
January 14, 2013

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held a public hearing on June 28, July 2, July 12, July 23, and July 31, 2012, to consider an application for a second-stage planned unit development ("PUD") filed by Hoffman-Struever Waterfront, LLC, (the "Applicant") on behalf of the Vestry of St. Augustine's Church and the District of Columbia, through the Office of the Deputy Mayor for Planning and Economic Development, the current owners of the property. The project site is generally bounded by the Washington Channel of the Potomac River and Maine Avenue, between 11th Street on the west to 6th Street on the east, all in Southwest Washington. The Commission approved the Stage 1 PUD application for this project by order dated December 16, 2011, in Z.C. Case No. 11-03. This Stage 2 PUD application encompasses the portion of the project site known as Parcels 2, 3, 4, and 11, the Capital Yacht Club, and the public open spaces known as the Wharf, the Transit Pier, the District Pier, the Yacht Club Piazza, the Mews, Jazz Alley, 7th Street Park and Waterfront Park, as well as temporary uses on Parcel 1 (the "Application"). 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 Commission divided the Application into four discreet segments corresponding to the four parcels and adjacent spaces, with each segment considered on a separate hearing date. Upon a motion made by the Applicant, the Commission granted a request to deliberate and vote on each segment separately, and issue separate orders accordingly. The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves this segment of the Application for the Parcel 3A, Parcel 3B, District Pier, Pier and Avenue Mews, and adjacent spaces ("Parcel 3 PUD").

FINDINGS OF FACT

The Application, Parties, and Hearings

1. On February 3, 2012, the Applicant filed the Application with the Commission for second-stage review and approval of a PUD for the following land and adjacent riparian areas of the Washington Channel: Lots 804, 805, 806, 822, 823, 824, 825, 826, 827, 828, 831, and 849, and portions of Lots 839 and 850 in Square 473. The Application also included the land owned by the Vestry of St. Augustine's Church at Lots 83 and 814 in Square 473 ("Parcel 11"). The Stage 2 PUD contains approximately 991,113 square feet of land, as well as piers and

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docks in the riparian area. The property is presently improved with buildings and improvements constructed under the Southwest Urban Renewal Plan for the Southwest Waterfront. The Applicant intends to redevelop the PUD site to implement the city's revitalization plan for a new, mixed-use Southwest Waterfront.

2. By report dated March 30, 2012, the Office of Planning ("OP") recommended that the Application be set down for a hearing. At its public meeting held on April 9, 2012, the Commission voted to schedule a public hearing on the Application. At that same meeting, the Commission determined to divide the project into four segments and consider each segment individually on a separate hearing night, as follows:

<u>Hearing Date</u>	<u>Topic</u>
June 28, 2012	Parcel 2, the Combined Heating & Power Plant, Parcel 1 temporary uses, and the Transit Pier
July 2, 2012	Parcel 3A, Parcel 3B, District Pier and Pier & Avenue Mews
July 12, 2012	Parcel 4A, Parcel 4B, Capital Yacht Club, Yacht Club Plaza, Piazza Mews, Jazz Alley, and 7th Street Park
July 23, 2012	Parcel 11A, Parcel 11B, and Waterfront Park

The Commission also established separate deadlines for requests for party status for each segment of the hearing. The Commission added a final hearing night on July 31, 2012, to review the architectural designs approved in concept by the U.S. Commission of Fine Arts at its July 19, 2012 meeting, and to receive rebuttal testimony and hear closing arguments from the Applicant.

3. On April 12, 2012, the Applicant submitted a pre-hearing statement for the project, along with several architectural drawings, to respond to issues raised by the Commission and OP (Exhibit ["Ex."] 19). The Applicant also filed a supplemental statement on June 12, 2012, with additional drawings and information on Parcel 3A, Parcel 3B, the District Pier, the Pier and Avenue Mews, and related spaces. (Ex. 29, 30A).
4. A description of the proposed development and the notice of the public hearing in this matter were published in the *D.C. Register* on May 11, 2012. The notice of public hearing was mailed to all property owners within 200 feet of the PUD site

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- as well as to Advisory Neighborhood Commission (“ANC”) 6D. On July 2 and 31, 2011, the Commission held a hearing to consider Parcel 3 PUD.
5. The parties to the Parcel 3 PUD case were the Applicant, ANC 6D, and the Gangplank Slipholders Association ("GPSA"). The Commission denied party status to Seven Seas Cruising Association and Mr. Gene Solon as not being uniquely affected by the Parcel 3 PUD under the Commission’s rules.
 6. At the July 2, 2012 hearing, the Applicant presented seven witnesses in support of the Parcel 3 PUD: Shawn Seaman, on behalf of Hoffman-Struever Waterfront LLC; Hilary Bertsch of Perkins Eastman Architects; Robert V. Sloop, Moffatt & Nichol; Austin Flajser of Carr Hospitality; Bahram Kamali, BBG BBGM Architects; Omar Calderon, Perkins Eastman Architects; and Robert Schiesel, Gorove/Slade Associates. Based upon their professional experience and qualifications, Ms. Bertsch and Messrs. Kamali and Calderon were recognized as experts in architecture, Mr. Schiesel as an expert in transportation planning, and Mr. Sloop as an expert in marina design and engineering.
 7. Matthew Jesick, Development Review Specialist at the District's OP, and Sam Zimbabwe and Jamie Henson of the District’s Department of Transportation (“DDOT”) testified in support of the Parcel 3 PUD with certain comments and conditions.
 8. On June 19, 2012, ANC 6D submitted its initial resolution to the record in opposition to the Application based on insufficient time to review materials provided by the Applicant. At its meeting on July 30, 2012, which was duly noticed and at which a quorum was present, ANC 6D voted 4 - 3 to support the Application, with conditions.
 9. Dan Waldrop of the Capital Yacht Club and Richard Westbrook testified as persons in support of the Parcel 3 PUD. The Commission received letters in support from the following: Congresswoman Eleanor Holmes Norton, Councilmember Tommy Wells of Ward 6, Washington Area Bicyclist Association, Ward 8 Workforce Development Council, Disabled American Veterans, Mandarin Oriental Hotel, Entertainment Cruises, D.C. Dragon Boat Club, Cultural Tourism D.C., Carl Cole, Arena Stage, Anacostia Watershed Society, American River Taxi, D.C. Students Construction Trade Foundation, Deanwood Heights Main Streets, Inc., Capitol Square at the Waterfront, Community Benefits Coordinating Council, and the Riverside Condominium Association.

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10. The following persons testified in opposition to the Parcel 3 PUD: Ron McBee, Christopher Snow, Philip Johnson, Gene Solon, Scott Berg, Robert Doty, Quentin Borges Silva, Bernisse Lester, and Michael McDonald. The Commission received letters in opposition to the overall Stage 2 PUD from the following: Seven Seas Cruising Association, Potomac River Yacht Clubs Association, Quentin Borges-Silva, and Kael Anderson.
11. At its public meeting held on November 14, 2012, the Zoning Commission took proposed action to approve with conditions the Parcel 3 PUD.
12. The Parcel 3 PUD was referred to the National Capital Planning Commission ("NCPC") for review of any impacts on the federal interest under the Comprehensive Plan. Through a letter dated December 12, 2012, the NCPC Executive Director stated that at a meeting held December, 2012, NCPC voted to adopt an action through which it commented favorably on the portion of the Phase 1, Second Stage PUD, that included Parcels 2, 3, and 4 in addition to several open spaces; in-water development; and development of The Wharf itself. The comment did not extend to Parcel 11 because the Zoning Commission had not yet taken proposed action. (Ex. 262.)
13. The Zoning Commission took final action to approve the Parcel 3 PUD on January 14, 2013.
14. The Southwest Waterfront project is a public-private partnership between the District of Columbia and Hoffman-Struever Waterfront, LLC, which entered into a land disposition agreement ("LDA") for its development. The District of Columbia, as owner of all the property in the PUD site except for Lots 83 and 814 in Square 473, the Vestry of St. Augustine's Church, the owner of Lots 83 and 814 in Square 473, and Hoffman-Struever Waterfront, LLC the master developer selected by the District to implement the project, submitted their Application for approval of a second-stage PUD to fulfill the revitalization plan envisioned by the District to reactivate the Southwest Waterfront. The project site fronts on the Washington Channel in Southwest Washington and is generally bounded on the northwest by the Maine Avenue Fish Market and Case Bridge (part of the highways comprising the 14th Street Bridge), Maine Avenue to the northeast, Washington Channel to the southwest, and on the southeast by N Street, S.W. and 6th Street, S.W.
15. Pursuant to the Stage 1 PUD approval, the project will include an aggregate floor area ratio ("FAR") of 3.19, which includes the private streets in the project area, or approximately 3,165,000 square feet of gross floor area. The density excluding the private streets is approximately 3.87 FAR. Proposed uses will include

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- approximately 1,400 mixed-income and market rate residential units, with 160,000 square feet of the gross residential space set aside for households earning no more than 30% and 60% of the Washington–Arlington–Alexandria, DC–VA–MD–WV Metropolitan Statistical Area median income (“AMI”); approximately 925,000 square feet of office space; a luxury hotel with a total of 278 guest rooms, and two additional hotels with approximately 405 rooms; approximately 300,000 square feet devoted to retail uses; a minimum of 100,000 square feet devoted to cultural activities; and more than 10 acres of parks and open space on the land side. The riparian area will feature four public or public use piers, as well as approximately 80,000 square feet of maritime-related commercial, recreational, and service development.
16. This first Stage 2 PUD proposes the development of six buildings on four different parcels. It will also encompass the creation of new public and open spaces known as The Wharf, the Transit Pier, the District Pier, the Piazza Mews, the Avenue Mews, the Pier Mews, and Jazz Alley (collectively the “Mews”), the Yacht Club Piazza, the 7th Street Park, and Waterfront Park. Parcel 1 will also be improved with a temporary parking lot/event space.

The PUD Project

17. The Parcel 3 PUD that is the subject of this order encompasses Parcel 3A, 3B, the District Pier, the Pier and Alley Mews, and related spaces.

The Applicant and Development Team

18. The master developer and Applicant of the overall PUD project is Hoffman-Struever Waterfront, LLC, doing business as Hoffman-Madison Waterfront, LLC. The Applicant is processing this Application on behalf of the Deputy Mayor's Office for Planning and Economic Development and St. Augustine's Church. The Applicant's team includes the District-based Certified Local, Small, and Disadvantaged Business Enterprises of E.R. Bacon Development, Paramount Development, and Triden Development, as well as District-based CityPartners.

Approved Stage 1 PUD Development Parameters

19. Under the Stage 1 PUD, the Commission approved the parameters for the development of the Southwest Waterfront, as shown on the architectural plans submitted to the record. The PUD order authorizes a landside density of 3.87 FAR, excluding private rights-of-way, with a combined gross floor area of approximately 3,165,000 square feet. Waterside uses may have a maximum potential density of 0.68 FAR, or 114,000 square feet of gross floor area. (*See* Z.C. Order No. 11-03, at p. 33 (Condition Nos. A-1 and A-2).)

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20. The Commission authorized a maximum building height of 130 feet on Parcels 1 through 4 and 6 through 9, which were rezoned to the C-3-C Zone District. Construction on Parcel 5, also located in the C-3-C Zone District, may not achieve a height greater than 110 feet. The proposed residential building on Parcel 11, located in the R-5-B Zone District, may not exceed 45 feet in height, or an overall height of 57 feet with an occupied penthouse, as shown on the approved drawings submitted to the record. The height of the church building on Parcel 11 may not exceed 45 feet (or 49 feet to the peak of the sloped roof). The building on Parcel 10, located in the W-1 Zone District, may not exceed 60 feet in height. Finally, the residential building on Pier 4 shall have a maximum height of 45 feet. (*Id.* (Condition No. A-3).)
21. With respect to parking facilities, the Commission authorized the construction of one or more below-grade parking structures on two to three levels that are required to provide spaces for approximately 2,100-2,650 vehicles. The PUD project is also required to provide parking or storage for 1,500-2,200 bicycles and sufficient loading facilities to accommodate the mix of uses on the site. The precise amount of parking and loading is to be determined for each Stage 2 PUD. (*Id.*)
22. Consistent with the phased development endorsed by the Commission, the first Stage 2 PUD filed by the Applicant encompassed Parcels 2, 3, and 4. Additionally, in order to accomplish the development needs of St. Augustine's Church, the Application included Parcel 11, as well as a temporary parking lot/event space on Parcel 1. Parcel 5, which was originally contemplated as part of this first phase of development, was not included with this Application.²

Overview of the Project Design Intent

23. The Southwest Waterfront PUD has been designed to reunite the city with the water's edge and re-enliven it with a mix of uses and year-round urban vibrancy. The concept is to bring the city's unique urban qualities of buildings with street walls and dynamic public open spaces to this area, while recalling the thriving commercial aspects of the historic working waterfront that once lined the Washington Channel. This working wharf once connected the upland city streets to the maritime edge, and was characterized by an industrial warehouse district with a focus on maritime activities.

² The Stage 2 PUD application for Parcel 5 was subsequently filed on September 24, 2012, as Z.C. Case No. 11-03B and is presently under consideration by the Commission.

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24. As described during the approved Stage 1 PUD, the new development will provide a mix of uses to ensure an active waterfront throughout the year, day and night. The development will be pedestrian-oriented, with very limited vehicular access, and then for convenience only. The PUD has been designed as a series of “places,” not projects. Each place is the integration of architecture and landscape design to create inviting and memorable public environments. There will be a variety of gathering places to cater to every interest, ranging from actively programmed places to simple promenades and parks for passive enjoyment of the water and its environs.
25. The plan for the waterside has been fully integrated with the land plan. The project will incorporate four new public use piers along the Washington Channel, allowing access into the Channel for the first time. The District Pier, the largest of the piers, is intended to be the primary waterside entrance to the project and the host for the District’s waterside events. A host of other tour boats, tall ships, and maritime vessels, such as water taxis, will be added to the existing recreational maritime activities to provide much more activity and many more reasons for the public to use the waterfront and engage in water sports and activities. The waterside development and the new pierhead line will extend to the limit of the federal navigational channel, pursuant to permit number 2011-00766 (SOUTHWEST WATERFRONT REDEVELOPMENT/THE WHARF) issued by the U.S. Army Corps of Engineers. The boundary of the waterside development is co-terminus with the PUD boundary shown on Sheet 2.1 of Volume 0 of the drawings. (Ex. 200A.)

Parcel 3 Proposed Development

26. Parcel 3 is located toward the northwestern portion of the PUD site, across from and southeast of Parcel 2. It has a land area of 53,509 square feet but is part of the larger proposed Lot 1 that will encompass Parcels 1, 2, 3, 4, and 5, as shown on Sheet 1.13 of Volume 0 of the drawings. (Ex. 218.) The overall land area of Proposed Lot 1 is 489,362 sf. Together with the other proposed buildings in this first Stage 2 PUD, Lot 1 will be developed with a total of 1,463,970 square feet of GFA, which equates to an overall FAR of 2.99 FAR.
27. The new development on Parcel 3 will consist of two parts: a commercial office building with ground floor retail on the north half of the site fronting on Maine Avenue, known as Parcel 3A; and a hotel with accessory retail and service uses located on the south half fronting on the Wharf, known as Parcel 3B. Parcels 3A and 3B are bisected by the Pier Mews which links District Pier and Capital Yacht Club Plaza.

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Parcel 3A Development

28. The Parcel 3A portion of the site has a land area of approximately 26,707 square feet. It will be improved with an 11-story commercial office building, rising to a height of 130 feet. Retail uses, consisting of approximately 11,271 square feet of gross floor area (“GFA”), will be located on the ground floor. The office portion will be comprised of approximately 226,609 square feet of GFA. The Parcel 3A building follows the design guidelines established under the Stage 1 PUD, which stipulates massing, scale, and materials for the pedestrian-scale environment, building corners, massing, and skyline elements. The primary orientation of the building is toward Maine Avenue and is intended to project a civic presence that relates to the grand urban tree-lined boulevards found throughout the District with an architecture that is complementary to the adjacent community, as well as to allow for a reading of its use as a commercial office building.
29. Following the guidelines of the Stage 1 PUD, the lowest three floors establish a base, or podium, level that reinforces a pedestrian-oriented environment. As the building turns the corner onto the area known as the District Pier, the brick coloration and use of canopies and signage conform to a common design language that reinforces the retail environment. The building’s pedestrian scale further creates an intimate environment in the adjacent mews streets for use by pedestrians while still allowing for limited vehicular and loading access. Within the building, adjacent to Maine Avenue, is a reconfigured vent shaft assembly for Metro’s Yellow Line tunnel. The louver is set above the pedestrian eye level and will be seamlessly integrated into the architecture of the building to minimize impacts on the pedestrian environment while complying with WMATA’s needs and requirements.
30. A visual rhythm and balance is established by a base of three stories and a middle and top section of seven stories of brick with a greater percentage of inset glazing. The painted aluminum curtain wall expresses the corner of the building as it turns at Maine Avenue to the District Pier. This element visually reinforces the entrance to the District Pier and relates to Parcel 2’s vertical elements. In response to comments from the Commission at the set-down meeting and the U.S. Commission of Fine Arts (“CFA”), the penthouse was scaled down and set back at that corner. The building uses materials and massing that respond the adjacent Parcel 3B (hotel).

Parcel 3B: Intercontinental Hotel with Ground-Floor Retail

31. Parcel 3B, which fronts on the Wharf with a total land area of 26,802 square feet, will be improved with a 12-story luxury hotel with approximately 278 guest

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- rooms or “keys.” Developed by the Carr Hospitality Group for Intercontinental Hotels, the new building will be a signature focal point along the Wharf. The building will rise to a height of 130 feet and have approximately 244,269 square feet of GFA, of which 5,074 square feet will be devoted to retail uses on the ground floor level.
32. Designed by BBG-BBGM Architects & Interiors Inc., the proposed hotel takes advantage of its prime location on the waterfront. The southwest face of the building will border the pedestrian-oriented Wharf and offer views over the piers and boats of the Capital Yacht Club, and beyond, extending as far as Hains Point and the distant Potomac River. This exceptional site arrangement offers a venue for the creation of a new public square, or plaza, designed to accommodate public events. This open space results from the widening of the access from Maine Avenue to the Pier and will be known as the District Pier Plaza. It will be designed as the main entrance to the wharf area and be located at the junction of the Wharf and the District Pier at the west corner of the hotel. At the entrance to the plaza, automobile traffic will be diverted through a mews along the northwest side of the hotel. Traffic will enter a second small plaza, known as Yacht Club Piazza, allowing for drop-offs at the hotel entry to the east, or will turn off and enter a public parking garage. The Parcel 4 condominium entry, and the Capital Yacht Club share this eastern plaza.
33. The architectural form of the new hotel takes cues from its site while incorporating the functional and spatial necessities of the hotel. The ground floor includes a spacious reception lobby, a lounge, which connects to an outdoor seating area overlooking the Wharf, a restaurant, retail spaces, staff office areas, as well as a loading dock area. The second floor incorporates a conference center with a ballroom, meeting rooms, and service spaces. The 5,400 square-foot ballroom will be unique to Washington, D.C., and most other ballrooms, in that it will have two glass walls with views out over the water and the District Pier Plaza. The third floor houses the hotel spa and fitness rooms, as well as the hotel “back of house” functions. The fourth through 11th floors will house 278 guest rooms. The 12th floor will have two special function meeting rooms and house the Sky Bar, a premier lounge open to the public. The Sky Bar will be accessed by an elevator connected to a ground floor entrance from the District Pier Plaza. The meeting rooms and the Sky Bar will offer exceptional views past the inlet to the Potomac River and the Jefferson Memorial. The rooftop features a pool for hotel guests.
34. The architectural form of the building is intended to reflect the shape of the city block on which it is situated. Each of its four facades faces a street of different function and character: the District Pier Plaza to the west, Yacht Club Piazza to

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the east, the Pier Mews to the north, and the Wharf to the south. Each elevation is designed to suggest a pedestrian scale reflective of its particular street frontage and function. Nine of the building's 12 stories are set back from a three-story base, which serves as a pedestal for the entire structure. The hotel guest floors are L-shaped in order to provide a variety of views and to maximize the advantage of corner suites. A large clock tower was originally incorporated into the southwest corner of the building to provide a signature focal point and demarcate the hotel's prominence along the Waterfront. In response to comments from the Commission and CFA, the clock tower element was removed and the top story articulated instead as an understated yet elegant glass form. The top floor along the Wharf, which houses public function spaces, is set back from the face of the building and incorporates the use of canopy sunshades to lend a sense of lightness and elegance to the structure.

35. The building has been designed to create a modern expression for a waterfront building that plays with the "harborside" aesthetic in various ways. The primary materials are red brick, slate grey metal, and glass. The lower three stories of the building feature a granite base, brick piers, and metal-framed panels of glass. Canopies of various types provide shade during the day and lighting at night to the sidewalk cafés and seating areas. Large two-story window bays occur on the guest room levels (Floors 4-11) on all façades. Setbacks within the masonry walls at every other floor reflect the residential character of the building. This luxury hotel design will provide a significant new hospitality resource to the repertoire of Washington, D.C., hotels, creating a unique urban resort experience for those who visit or stay at this venue.

District Pier

36. District Pier, a prominent organizing access point to the PUD site, consists of both the landside and waterside public space improvements. It will be constructed between Parcels 2 and 3 in the former 9th Street right-of-way and over the two-level garage to function as the primary entrance gateway for pedestrians, bicyclists, and motorists. In particular, the District Pier will provide a landmark entry connection for pedestrians that are accessing the site from the L'Enfant Plaza Metro Station or the National Mall by way of Banneker Park and the L'Enfant Promenade. Metal rigging poles, approximately 40 feet in height, will line the pier in a procession to the water, and will also house utility connections and other service lines.
37. Toward Maine Avenue, the District Pier will be organized around an open, glass-covered central plaza designed with a bosque of trees and a water feature to bring the water as close to Maine Avenue as possible. The initial architectural

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- treatment of the glass canopy was scaled back and redesigned to create a more simplified presence, in response to comments from the Commission and CFA. The Maine Avenue end of the District Pier will facilitate convenience vehicular circulation as well as valet and passenger drop-off and provide access by way of the Pier Mews to one of the below-grade parking entrances. Pedestrian access to the below-grade parking garage will be located within this central plaza, which creates a welcoming civic experience for the visitor. This connection to the garage is designed to bring light and air down into the below-grade levels and enhance the entrance experience for motorists and bicyclists that park in the garage.
38. The District Pier features a generous pedestrian-only zone along the Wharf that is flexible and can function as a civic gathering place, as a venue for outdoor events, displays, shows, festivals, tented events, musical concerts, outdoor festivals, and other public and private gatherings. This distinct urban space will connect Maine Avenue to the water and welcome visitors to the Wharf. The deck of the pier will be clad in Kebony or similar wood.
39. The District Pier includes two structures: the Pier House Café and the Dockmaster Building. The Pier House café is designed to be as welcoming and transparent as possible, while also shielding from view the back-of-house operations of a restaurant. Those portions of the café walls will be clad in a local carderock. A water element marks each side of the building to reinforce the connection to the water from Maine Avenue to the channel. The pier house has approximately 3,700 square feet of GFA.
40. The Dockmaster Building is located at the terminus of the District Pier and houses the dockmaster offices, public facilities, and storage. Stairs lead to the upper floor of the two-story building. The building will be clad in wood, matching the pier, with generous amounts of glass with views to the water. This building is designed to support the maritime commercial activities by providing a security checkpoint, ticketing, passenger staging and a restroom area. Its function would be similar to the combined functions of an airport control tower, a communication center, a security checkpoint and boarding gates. The dockmaster's office will be located in the offshore end of the building outfitted with large windows to allow a clear view of the channel, the marinas and all pier activities. This will allow the dockmaster to assist in the coordination of the response to fire, police and Homeland Security emergencies. The building will also be designed to provide a security checkpoint and screening protocols at a controlled access point from the land to the water as required by the Marine Transportation Security after 2002. The Dockmaster house has approximately 5,285 square feet of GFA.

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41. The length of the pier between the two buildings is the maritime gateway to the city. It will be designed to provide permanent and transient berthing for the flagships of countries, tall ships, military vessels, antique and historic ships and other large display vessels. The District Pier is 456 feet long, 55 feet wide at an elevation of eight feet to allow for boarding of vessels with different size freeboards. There's a safety and channel maintenance buffer of 40 feet between the end of the pier and the edge of the federal channel. The District Pier has timber fendering around its entire perimeter.

The Mews

42. The interstitial space between and within building sites on Parcel 3 are designed as mews streets or alleys. These connectors will not only provide primary entrances for access to loading/service areas in the areas closest to Maine Avenue, but are also intended to be very low speed, curbsless pedestrian-dominated environments that support unique retail, restaurants, and entertainment opportunities. These special areas will provide for an intimate and sometimes romantic environment, reminiscent of the compact streets found in the hearts of older historic cities around the world. Retail opportunities will be of varied size and provide unique opportunities for start-ups, incubators, outdoor cafés, and experimental retail, which may also include smaller music and arts venues among other retail and restaurant opportunities.
43. The mews streets are oriented both perpendicular and parallel to the water, providing a small-scale street grid within the site. The perpendicular mews streets increase the site's porosity and provide an enhanced number of viewsheds from Maine Avenue to the water. These smaller visual connections, in concert with the enhanced views provided through the primary public spaces such as the District Pier and 7th Street Park, will provide unprecedented linkages between the Washington Channel and the upland Southwest neighborhood. The mews streets that run parallel to the Washington Channel through Parcels 3 and 4 provide an additional level of options for pedestrians, cyclists, and motorists to "percolate" through the site. This provides more varied and granular experiences, can provide shelter and protection from the wind and elements, and increases the opportunity for exploration and variety within the project site. The shared space will be carefully delineated with different pavers to distinguish dedicated pedestrian walkways from shared spaces to ensure pedestrian safety.
44. The Pier Mews and Avenue Mews streets will be designed to be flexible. They may facilitate vehicular access and loading at some times during the day and at other times be primarily pedestrian in nature, filled with café tables, spill-over retail and entertainment opportunities. Loading bays and vehicular/bicycle

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parking garage entries are provided off of these mews streets but they have been designed to minimize their potential negative visual and experiential qualities on pedestrians within the mews.

Parking, Loading, and Curbside Management

45. Parking for the office building will be located below grade in the shared parking facility under Parcels 2, 3, and 4. The shared parking garage, which includes electric vehicle charging stations and car-sharing spaces, is described in greater detail in the companion Zoning Commission order for the Parcel 2 PUD. (See Z.C. Order No. 11-03A(1).) The garage provides 1,095 automobile spaces, 712 long-term and 120 short-term spaces for bicycles. One hundred parking spaces will be dedicated for the hotel use on Parcel 3.
46. Loading facilities for the office building and the hotel will be located in each building at the interior of the site and are accessed off of the mews streets. Three 20-foot curbside drop-off and pick-up locations are located in front of the office building along Maine Avenue and another three spaces in front of the hotel. The valet stand along the wharfside of the hotel will provide two additional spaces. A loading and curbside management plan will ensure coordination of trucks and deliveries within the PUD site. (Ex. 196, 246A, 246B.)

Sustainable (LEED) Development

47. The Applicant has developed guidelines to ensure that the vertical development of this Stage 2 PUD has been designed in accordance with LEED-ND Gold objectives, in order to meet individual certification requirements and to comply with the overall larger framework of LEED-ND criteria. (See Z.C. Order No. 11-03, p. 36 (Condition No. B-7).) With the exception of the church portion of the Parcel 11 building, each new building or vertical development component will achieve a LEED-NC (new construction) or LEED-CS (core and shell) Silver rating or higher. With the exception of the church portion of the Parcel 11 building, each building has also been designed to meet the LEED stormwater requirements for both quality and quantity in conformance with the certification process sought for each building. LEED score sheets included for each of the buildings demonstrate how the buildings will achieve the sustainable objectives.
48. The LDA between Hoffman-Struever and DMPED requires the project to incorporate sustainable design criteria and pursue LEED 2009 for Neighborhood Development (LEED ND) certification by the Green Building Certification Institute (GBCI) at the Gold-level or higher. LEED certification at the target level

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- requires compliance with and documentation of all prerequisites and between 60 and 79 points.
49. In keeping with the approved Stage 1 PUD and the LDA, the overall project is designed and developed in its entirety to meet the requirements of the D.C. Green Building Act of 2006 that came into effect March 8, 2007. All individual buildings within the project, with the exception of the church portion of the Parcel 11 building, will pursue LEED certification with the GBCI at the Silver level or higher in compliance with the appropriate individual building certification system, New Construction (NC), Core & Shell (CS) or Commercial Interiors (CI).
50. Sustainable strategies include creating pedestrian-friendly streets by limiting speeds and the design of the streetscape; creating civic, public use spaces, and basic services that are accessible on foot, and energy efficiency at the macro level.
51. The project incorporates progressive strategies to address the management and treatment of the large volumes of stormwater generated on site. This is being done through the use of extensive Low Impact Development zones along Maine Avenue and the Wharf, and within the 7th Street Park and Waterfront Park and through the construction of a monumental stormwater reuse cistern. The monumental cistern will collect up to the 3.2-inch storm event from the main parcel/Wharf area as required by the Anacostia Waterfront Development Zone stormwater regulations and will reuse it for on-site uses such as condenser water make-up (primarily through the makeup requirement for the CHP/Cogen plant and/or the individual buildings). This stormwater reuse program treats stormwater as resource instead of a liability, and will help to improve the health of the Potomac River Watershed and the overall Chesapeake Bay. Additionally, all individual buildings within the project, with the exception of the St. Augustine's Church, will meet or exceed the LEED NC & ND stormwater credits as appropriate to the rating system that certification is being sought under. Individual buildings will also perform periodic water quality testing on the generated stormwater runoff from the site.

BID/Project Association; First Source; CBE

52. The Applicant has entered into a Certified Business Enterprise ("CBE") Agreement, with the D.C. Department of Small and Local Business Development ("DSLBD") in order to achieve, at a minimum, 35% percent participation by certified business enterprises in the contracted development costs for the design, development, construction, maintenance, and security for the project to be created as a result of the PUD.

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53. The Applicant has also executed a First Source Employment Agreement with the Department of Employment Services to achieve the goal of utilizing District residents for at least 51% of the new jobs created by the PUD project. (Ex. 209.) Prior to issuance of a building permit for any construction of the Parcel 3 PUD, the Applicant shall complete the Construction Employment Plan (referred to during the hearing as "page 11") of the First Source Employment Agreement outlining the hiring plan for the project. The Applicant and its contractor, once selected, shall use best efforts to coordinate apprenticeship opportunities with construction trades organizations, the D.C. Students Construction Trade Foundation, which is an affiliate of the Cardozo Trades Academy, and other training and job placement organizations to maximize participation by District residents in the training and apprenticeship opportunities in the PUD.
54. In a separate effort, the Applicant has committed that 20% of the retail space will be set aside for "unique" and/or "local" businesses. As defined under the LDA, a "local" business is a retailer that is either a CBE or a retailer headquartered in the District of Columbia. A "unique" business is a retailer owning or operating fewer than eight retail outlets in the aggregate at the time such retailer enters into a retail lease at the PUD (inclusive of such retail outlet at the PUD). The Applicant will work collaboratively with business and community organizations throughout the District to identify and, where possible, mentor potential small restaurateurs and retailers to help them lease and successfully operate these retail spaces. The Applicant will also have kiosks along the promenades, and in parks and other public spaces, where even smaller local businesses can try out their retail concepts on a low-risk basis; those kiosk operators who are successful may have the opportunity to move indoors, into one of the spaces reserved for unique and local business enterprises, thereby growing their business.

Workforce Intermediary Program

55. Consistent with the Stage 1 PUD approval, the Applicant has committed to contributing \$1 million to the District's Workforce Intermediary Program. At the time of the Stage 1 PUD approval, the Applicant had already paid \$250,000 of that commitment. The Applicant will fund the remaining \$750,000 as part of this Stage 2 PUD.

Project Benefits and Amenities

56. In its Stage 1 approval of the PUD, the Commission evaluated the public benefits and amenities of the PUD, concluded they were an adequate tradeoff for the zoning flexibility requested, and required the Applicant to identify the benefits and amenities proposed for each Stage 2 application, as well as the overall status

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of the delivery of the benefits and amenities for other aspects of the PUD. This Stage 2 PUD delivers the appropriate benefits and amenities required by the Stage 1 order for this portion of the overall development.

Development Incentives and Flexibility

57. *Roof structure setbacks:* Pursuant to § 411 of the Zoning Regulations, all penthouse roof structures are required to be setback one foot from the exterior walls of the building for each foot of vertical height of the penthouse. Here, the Applicant is proposing a less than 1:1 setback. As originally submitted, the Applicant sought a greater degree of relief from the setback requirements but redesigned the penthouses in response to comments from the Commission.
58. *Parking:* The uses on Parcel 3A generate a requirement for 135 parking spaces for vehicles and seven spaces for bicycles. The uses on Parcel 3B generate a requirement for 93 parking spaces for vehicles and another five spaces for bicycles. The Applicant proposes to satisfy these requirements in the shared parking facility.
59. *Loading:* The uses on Parcel 3B generate a requirement for two 30-foot loading berths, one 55-foot loading berth, two 100-square-foot platforms, one 200-square-foot platforms and one delivery space. The Applicant seeks flexibility to eliminate the 55-foot berth and the 200-square-foot platform.
60. No other zoning relief was requested or granted.
61. *Flexibility for Minor Design Details:* Additionally, the Applicant requested minor relief from the architectural details, materials, interior layouts and other similar relief that is typical in PUD applications to allow for adjustments as designs develop into the construction detail phase. The Commission finds that such relief is also appropriate in this instance, as well, as noted in the conditions below.

Office of Planning Report

62. By report dated June 20, 2012, OP recommended approval of the Parcel 3 PUD components, including the office/retail building on Parcel 3A, the hotel building on Parcel 3B, the District Pier and its accessory buildings, and the Pier Mews and Avenue Mews. With respect to Parcel 3A, however, OP continued to express concerns about the appearance of the WMATA air vent and its impact on the pedestrian spaces, and the architectural embellishment at the roof. The Applicant

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subsequently revised those elements of the building and secured endorsement of the Parcel 3A design from CFA.

DDOT Report

63. DDOT submitted a memorandum, dated June 18, 2012, in support of the PUD, with several recommendations. DDOT concluded that, after an extensive multi-administration review, that any adverse effects of the Phase I development can be mitigated, and that the Applicant had adequately documented the most likely extent of those impacts. DDOT also noted, however, that there are significant needs to be addressed in the local and regional transportation system to handle the pedestrian, transit, and vehicular traffic generated by the development, most of which the Applicant documented and addressed through their statement. DDOT also expressed concerns that that the transportation scenario assessed in the transportation impact statement is not definite, and, in particular, relies on aggressive but achievable non-automobile travel. Therefore, DDOT recommended that an enforceable monitoring program for Transportation Demand Management ("TDM") be implemented to mitigate future impacts, should they arise.
64. In response to the DDOT report, the Applicant submitted a detailed mitigation plan and a separate Loading and Curbside Management Plan, marked as Exhibit 196 in the record. The Commission finds that Applicant has satisfactorily addressed DDOT's concerns, as demonstrated by the supplemental information provided by the Applicant and DDOT on November 28, 2012. (Ex. 246A, 246B.) The Commission further finds that the curbside loading and management plan adequately address the traffic and transportation concerns affecting the Parcel 3 PUD.

ANC Report

65. On June 19, 2012, ANC 6D submitted its initial resolution to the record in opposition to the Application based on insufficient time to review materials provided by the Applicant. The ANC was concerned about issues raised by the GPSA; the relation of the project to the North; changes that might occur the project as a result of USACE review and pending legislation affecting the Washington Channel; traffic; and concerns relating to Kastles Stadium, Parcel 11, and the Waterfront Park.
66. On August 21, 2012, ANC 6D submitted a second resolution to the record rescinding its June 19 resolution and supporting the Stage 2 PUD, with conditions. The ANC requested the Commission to review the materials the

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- Applicant submitted to the record in response to the ANC. (Ex. 171–171CC2). The ANC commented on the progress that had been made among GPSA, the Applicant, and the Deputy Mayor's Office for Planning and Economic Development in reaching an agreement on the successful continuation and accommodation of the live-aboard community. The ANC continued to express dissatisfaction with DDOT's analysis of the project because DDOT has not yet concluded its M Street SE/SW Transportation Plan. The ANC was also dissatisfied with DDOT's planning for the Circulator bus for Southwest Waterfront.
67. The ANC was pleased with the Applicant's First Source Employment and Certified Business Enterprise agreements, but requested assurances that the Applicant would comply with the terms of those agreements and institute the apprenticeship program also required under the LDA and PUD.
68. The ANC also expressed concerns about other portions of the Stage 2 Application, which are addressed in the separate orders for those segments.
69. In response, the Commission concurs with the ANC's support for the project. The Commission shares the ANC's desire for the Applicant to abide by the terms of the First Source and CBE agreements and finds that there are adequate enforcement measures to assure compliance.
70. With respect to the adequacy of DDOT's evaluation of the project in light of the M Street SE/SW Transportation Plan, the Commission finds that the Transportation Study prepared by the Applicant adequately and thoroughly evaluated the project for adverse impacts. The Commission finds that the project will feature progressive TDM measures that will help maintain the roadway network at acceptable levels of service. DDOT's recommendation for additional TDM measures that can be implemented in the future, as warranted, successfully addresses current projects but also adequately protects against unanticipated traffic impacts.
71. The Commission accords great weight to the views of the ANC and finds that the Applicant has responded appropriately to each issue raised.

Other Required Governmental Approvals

72. The CFA reviewed the conceptual plans for the Parcel 3A and 3B PUD pursuant to its authority under the Shipstead-Luce Act. CFA recommended approval of the Parcel 3A PUD pursuant their letter dated June 28, 2012 and Parcel 3B PUD pursuant to their letter dated July 30, 2012. (Ex. 58, 164.)

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73. The U.S. Army Corps of Engineers (“USACE”) reviewed the waterside development and issued approval for the proposed work by letter dated July 31, 2012.
74. On July 9, 2012, President Obama signed Public Law 112-143 deauthorizing USACE control over a 200-foot section of the Washington Channel. The effect of the law is to increase the area in the Channel that can be used for public piers and marinas, as envisioned under the Stage 1 PUD.

Gangplank Slipholders Association

75. GPSA testified as a party in opposition to the Parcel 3 PUD. GPSA stated that it was still coordinating with OP and the Applicant regarding protections for the live-aboard community and hoped to report back to the Commission on a subsequent hearing night. Subsequent to the hearing on this matter, the Applicant and GPSA reached an agreement that resolved all outstanding issues. A copy of the agreement was submitted to the record as Exhibit 235C. The issues raised by GPSA have been fully satisfied and are addressed in the companion Zoning Commission order for the Parcel 2 PUD. (See Z.C. Order No. 11-03A(1) (Overall Plan Elements).)

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.)
2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which 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.
3. Development of the property included in this application carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned developments, which will offer a project with more attractive and

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- efficient overall planning and design, not achievable under matter-of-right development.
4. The Parcel 3 PUD meets the minimum area requirements of § 2401.1 of the Zoning Regulations.
 5. The Parcel 3 PUD, as approved by the Commission, complies with the applicable height, bulk and density standards of the Zoning Regulations. The office, hotel and retail/service uses for this project are appropriate for the PUD Site. The impact of the project on the surrounding area is not unacceptable. Accordingly, the project should be approved.
 6. This Stage 2 PUD is substantially in accordance with the elements, guidelines, and conditions of the first-stage approval and thus should be granted. Pursuant to § 2408.6, if the Commission finds the Stage 2 PUD to be in accordance with the intent and purpose of the Zoning Regulations, the PUD process, and the first-stage approval, the Commission shall grant approval to the second-stage application, including any guidelines, conditions, and standards that are necessary to carry out the Commission's decision. As set forth above, the Commission so finds.
 7. The application can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.
 8. The Applicant's request for flexibility from the Zoning Regulations is consistent with the Comprehensive Plan. Moreover, the project benefits and amenities are reasonable trade-offs for the requested development flexibility.
 9. Approval of this Parcel 3 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 site 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.
 10. 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 (2001)), to give great weight to OP recommendations. The Commission carefully considered the OP report and, as explained in this decision, finds its recommendation to grant the application is persuasive.
 11. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C.

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Official Code § 1-309.10(d)) to give great weight to the issues and concerns raised in the written report of the affected ANC. The Commission has carefully considered the ANC 6D's recommendation for approval and concurs in its recommendation.

12. The application for a PUD 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 the Application for approval of the Stage 2 PUD for Parcel 3A, Parcel 3B, the District Pier, the Pier Mews, and the Avenue Mews, and adjacent spaces, subject to the guidelines, conditions, and standards set forth below.

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

A. Project Development

1. The Parcel 3 PUD shall be developed substantially in accordance with the Parcel 3 and related plans (Volume II) prepared by Perkins Eastman Architects, dated August 21, 2012, marked as Exhibit 203A in the record, as updated by Exhibit 219; and as modified by the guidelines, conditions, and standards herein.
2. The Parcel 3 PUD shall be subdivided into and included as part of a proposed single lot of record (Proposed Lot 1) containing 489,362 square feet of land area, as shown on Sheet 1.13 of Volume 0 of the drawings dated August 28, 2012, and marked as Exhibit 218 in the record. The Proposed Lot 1 may accommodate multiple buildings on a single lot of record.
3. Parcel 3A shall be developed with an 11-story commercial office building, rising to a maximum height of 130 feet. The building shall contain approximately 224,609 square feet of gross floor area ("GFA") devoted to office uses and approximately 11,271 square feet of GFA devoted to ground floor retail and service uses.

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4. Parcel 3B shall be developed with a 12-story hotel building, rising to a maximum height of 130 feet. The building shall have approximately 278 guest rooms (“278 keys”) and a total of 244,269 square feet of GFA, of which approximately 5,074 square feet of GFA shall be devoted to retail/service uses.
5. Parking for the Parcel 3 PUD shall be provided in the below-grade shared garage under Parcels 2, 3 and 4. The shared parking garage, as described in greater detail in the companion Zoning Commission order for the Parcel 2 PUD (Z.C. Order No. 11-03A(1), shall provide 1,095 automobile spaces, 712 long-term and 120 short-term spaces for bicycles, electric vehicle charging stations, and car-sharing spaces. (Sheets 1.15–1.16, Ex. 200A). One hundred of the parking spaces shall be dedicated for the hotel use on Parcel 3.
6. Shared loading facilities for the office building and the hotel shall be provided in each building at the interior of the site, as shown on Sheets 4.7–4.8 of Volume II of the drawings. (Ex. 203A.) The Applicant shall abide by the loading and curbside management plan, as shown on those drawings, and implement and abide by the loading and curbside management plan prepared by the traffic engineer and submitted to the record. (Ex. 196, 246A, 246B.) The Applicant shall have the flexibility to modify the monitoring/reporting requirements in coordination with DDOT.
7. The District Pier, the Dockmaster Building, the Pier House Café, and the Pier and Avenue Mews, shall be developed in accordance with the drawings in Volume II at Sheets 3.9–3.41 (Ex. 203A.)
8. This Stage 2 PUD shall also provide the improvements to Maine Avenue and the Wharf adjacent to Parcel 3A and Parcel 3B, as shown on the drawings at Volume II, Sheets 3.1– 3.8 and Sheets 3.42–3.45. (Ex. 203A.) Signage, street furniture and fixtures, and lighting for the PUD shall be installed consistent with the plans (Ex. 200A, Vol. 0, Sheets 2.5–3.13.)
9. The Applicant shall have flexibility with the design of the PUD in the following areas:
 - a. From the roof structure setback requirements, consistent with the roof plans submitted as part of the drawings;
 - b. From the parking and loading requirements, with alternative compliance through the shared parking facility and loading and curbside management plan detailed in Z.C. Order No. 11-03A(1);
 - c. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and

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- mechanical rooms, provided that the variations do not change the exterior configuration of the buildings;
- d. To vary the garage layout, the number, location, and arrangement of the vehicle and bicycle parking spaces, provided that the total number of vehicle spaces is not reduced by more than five percent of the 1,095 spaces shown on the drawings;
 - e. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction, without reducing the quality of the materials; and to make minor refinements to exterior details and dimensions, including curtainwall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code, the recommendations of the U.S. Commission of Fine Arts, or that are otherwise necessary to obtain a final building permit;
 - f. To vary the final design of retail frontages, including locations of doors, design of show windows and size of retail units, to accommodate the needs of specific retail tenants;
 - g. To vary the location and size of signs on the buildings, as long as they conform to the sign guidelines for the PUD; and
 - h. To vary the selection of plantings in the landscape plan depending on seasonal availability within a range and quality as proposed in the plans.

B. Public Benefits

1. The Parcel 3 Buildings shall be designed to satisfy a LEED-NC (new construction) or LEED-CS (core and shell) Silver rating or higher, consistent with the score sheets submitted as Sheet 1.52 of the Volume I of the drawings. (Ex. 201A.) The Applicant shall put forth its best efforts to design the Parcel 3 Project so that it may satisfy such LEED-NC (new construction) or LEED-CS (core and shell) Silver rating or higher but the Applicant shall not be required to obtain the certification from the United States Green Building Council.
2. Prior to issuance of the first certificate of occupancy for the Application, the Applicant shall establish the Project Association for the PUD that will be responsible for maintenance and improvements of the private roadways, alleys, bicycle paths, promenade, sidewalks, piers, parks, and signage within the PUD boundaries. Additionally, the Project Association will be responsible for programming and staging events within the PUD. The Project Association will fund maintenance and programming elements of the project's common elements through a Common Area Maintenance ("CAM") assessment charge to each development component within the PUD. The Applicant shall create, manage and operate the Project Association during the "developer control period," which

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- begins on the effective date of the Declaration of Covenants between the District of Columbia and the Applicant and ends five years after issuance or deemed issuance of the last certificate of completion for all portions of the PUD site and unit certificates of completion for each residential condominium unit.
3. During construction of the project, the Applicant shall abide by the terms of the executed First Source Employment Agreement with the Department of Employment Services (Ex. 209) to achieve the goal of utilizing District residents for at least 51% of the new jobs created by the PUD project.
 4. Prior to issuance of a building permit for any construction of Parcel 3, the District Pier, or related spaces, the Applicant shall complete the Construction Employment Plan of the First Source Employment Agreement outlining the hiring plan for the project. The Applicant and its contractor, once selected, shall use best efforts to coordinate apprenticeship opportunities with construction trades organizations, the D.C. Students Construction Trade Foundation, which is an affiliate of the Cardozo Trades Academy and other training and job placement organizations to maximize participation by District residents in the training and apprenticeship opportunities in the PUD.
 5. During the life of the project, the Applicant shall abide by the executed CBE Agreement with the Department of Small and Local Business Development (Ex. No. 4-J in Z.C. Case No. 11-03) to achieve, at a minimum, 35% participation by certified business enterprises in the contracted development costs for the design, development, construction, maintenance, and security for the project to be created as a result of the PUD. The Applicant shall comply with the LDA requirement to set aside 20% of the retail space for “unique” and/or “local” businesses, as defined in this Order.
 6. At such time as requested by the District, the Applicant shall pay to the District \$750,000 in support of the District's Workforce Intermediary Program.

C. Miscellaneous

1. 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 Applicant and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Division, Department of Consumer and Regulatory Affairs (“DCRA”). Such covenant shall bind the Applicant and all successors in title to construct and use the property in accordance with this order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.

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2. The PUD shall be valid for a period of two years from the effective date of Z.C. Order No. 11-03A(2). Within such time, an application must be filed for a building permit for the construction of the project as specified in 11 DCMR § 2409.1; the filing of the building permit application will vest the Order. Construction of the project must commence within three years of the effective date of Z.C. Order No. 11-03A(2).
3. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 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 that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On November 14, 2012, upon the motion of Chairman Hood, as seconded by Vice Chairman Cohen, the Zoning Commission **APPROVED** the Application at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Marcie I. Cohen, Peter G. May, and Michael G. Turnbull to approve; Robert E. Miller, not having participated, not voting).

On January 14, 2013, upon the motion of Vice Chairman Cohen, as seconded by Chairman Hood, the Zoning Commission **ADOPTED** this Order its public meeting by a vote of **4-0-1** (Anthony J. Hood, Marcie I. Cohen, Peter G. May, and Michael G. Turnbull to adopt; Robert E. Miller, not having participated, not voting).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on February 15, 2013.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 11-03A(3)
Z.C Case No. 11-03A
Hoffman-Struever Waterfront, LLC
(Second-Stage Planned Unit Development – Southwest Waterfront)
Parcel 4, Capital Yacht Club, Capital Yacht Club Piazza,
Piazza Mews, Jazz Alley, and 7th Street Park, and Adjacent Spaces
January 14, 2013

Pursuant to notice, the Zoning Commission for the District of Columbia (the “Commission”) held a public hearing on June 28, July 2, July 12, July 23, and July 31, 2012, to consider an application for a second-stage planned unit development (“PUD”) filed by Hoffman-Struever Waterfront, LLC, (the “Applicant”) on behalf of the Vestry of St. Augustine’s Church and the District of Columbia, through the Office of the Deputy Mayor for Planning and Economic Development, the current owners of the property. The project site is generally bounded by the Washington Channel of the Potomac River and Maine Avenue, between 11th Street on the west to 6th Street on the east, all in Southwest Washington. The Commission approved the Stage 1 PUD application for this project by order dated December 16, 2011, in Z.C. Case No. 11-03. This Stage 2 PUD application encompasses the portion of the project site known as Parcels 2, 3, 4, and 11, the Capital Yacht Club, and the public open spaces known as the Wharf, the Transit Pier, the District Pier, the Yacht Club Piazza, the Mews, Jazz Alley, 7th Street Park, and Waterfront Park, as well as temporary uses on Parcel 1 (the “Application”). 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 Commission divided the Application into four discreet segments corresponding to the four parcels and adjacent spaces, with each segment considered on a separate hearing date. Upon a motion made by the Applicant, the Commission granted a request to deliberate and vote on each segment separately, and issue separate orders accordingly. The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the segment of the Application for Parcel 4A, 4B, Capital Yacht Club, Yacht Club Piazza, Piazza Mews, Jazz Alley, the 7th Street Park, and adjacent spaces (“Parcel 4 PUD”).

FINDINGS OF FACT

The Application, Parties, and Hearings

1. On February 3, 2012, the Applicant filed the Application with the Commission for second-stage review and approval of a PUD for the following land and adjacent riparian areas of the Washington Channel: Lots 804, 805, 806, 822, 823, 824, 825, 826, 827, 828, 831, and 849, and portions of Lots 839 and 850 in Square 473. The Application also included the land owned by St. Augustine's Church at Lots 83 and 814 in Square 473 ("Parcel 11"). The Stage 2 PUD contains approximately 991,113 square feet of land, as well as piers and docks in the riparian area. The property is presently improved with buildings and

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improvements constructed under the Southwest Urban Renewal Plan for the Southwest Waterfront. The Applicant intends to redevelop the PUD site to implement the city's revitalization plan for a new, mixed-use Southwest Waterfront.

2. By report dated March 30, 2012, the Office of Planning ("OP") recommended that the Application be set down for a hearing. At its public meeting held on April 9, 2012, the Commission voted to schedule a public hearing on the Application. At that same meeting, the Commission determined to divide the project into four segments and consider each segment individually on a separate hearing night, as follows:

<u>Hearing Date</u>	<u>Topic</u>
June 28, 2012	Parcel 2, the Combined Heating & Power Plant, Parcel 1 temporary uses, and the Transit Pier
July 2, 2012	Parcel 3A, Parcel 3B, District Pier and Pier & Avenue Mews
July 12, 2012	Parcel 4A, Parcel 4B, Capital Yacht Club, Yacht Club Plaza, Piazza Mews, Jazz Alley, and 7th Street Park
July 23, 2012	Parcel 11A, Parcel 11B, and Waterfront Park

The Commission also established separate deadlines for requests for party status for each segment of the hearing. The Commission added a final hearing night on July 31, 2012, to review the architectural designs approved in concept by the U.S. Commission of Fine Arts ("CFA") at its July 19, 2012 meeting, and to receive rebuttal testimony and hear closing arguments from the Applicant.

3. On April 12, 2012, the Applicant submitted a pre-hearing statement for the project, along with several architectural drawings, to respond to issues raised by the Commission and OP. (Exhibit ["Ex."] 19.) The Applicant also filed a supplemental statement on June 22, 2012, with additional drawings and information on Parcel 4, Capital Yacht Club, Yacht Club Plaza, Piazza Mews, Jazz Alley, and 7th Street Park and related spaces. (Ex. 40, 41.)
4. A description of the proposed development and the notice of the public hearing in this matter were published in the *D.C. Register* on May 11, 2012. The notice of public hearing was mailed to all property owners within 200 feet of the PUD site as well as to Advisory Neighborhood Commission ("ANC") 6D. On July 12 and

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- 31, 2011, the Commission held a hearing to consider Parcel 4 PUD segment of the application.
5. The parties to the Parcel 4 PUD case were the Applicant, ANC 6D, the Gangplank Slipholders Association ("GPSA"), and the Capital Yacht Club. The Commission denied party status to Seven Seas Cruising Association and Mr. Gene Solon as not being uniquely affected by the Parcel 4 PUD under the Commission's rules.
 6. At the July 12, 2012 hearing, the Applicant presented five witnesses in support of the Parcel 4 PUD: Shawn Seaman, on behalf of Hoffman Struever Waterfront LLC; Stanton Eckstut of Perkins Eastman Architects; Joe Moore, Handel Architects; Lee Quill, Cuningham Quill Architects, and Michael Vergason of Michael Vergason Landscape Architects. Based upon their professional experience and qualifications, Messrs. Eckstut, Moore, and Quill were recognized as experts in architecture, and Mr. Vergason as an expert in landscape architecture.
 7. Matthew Jesick, Development Review Specialist at the District's OP, and Jamie Henson of the District's Department of Transportation ("DDOT") testified in support of the Parcel 4 PUD with certain comments and conditions.
 8. On June 19, 2012, ANC 6D submitted its initial resolution to the record in opposition to the Application based on insufficient time to review materials provided by the Applicant. At its meeting on July 30, 2012, which was duly noticed and at which a quorum was present, ANC 6D voted 4-3 to support the Application, with conditions.
 9. The following persons testified in support of the Parcel 4 PUD: Ms. Adrienne Masky of the Chesapeake Bay Foundation; Timothy Dowling, Vice President of Operations for Coastal Properties Management, Inc. and President of the Annapolis Sailing School and Annapolis Power Boat School; Mitch Nathanson, President of Coastal Properties Management, Inc., the manager of the Gangplank Marina; J. Nickerson, President of the Washington Waterfront Association and General Manager of the Gangplank Marina; John Kirsher of DC Sails; and Richard Westbrook. The Commission received letters in support from the following: Congresswoman Eleanor Holmes Norton, Councilmember Tommy Wells of Ward 6, Washington Area Bicyclist Association, Ward 8 Workforce Development Council, Disabled American Veterans, Mandarin Oriental Hotel, Entertainment Cruises, D.C. Dragon Boat Club, Cultural Tourism D.C., Carl Cole, Arena Stage, Anacostia Watershed Society, American River Taxi, D.C. Students Construction Trade Foundation, Deanwood Heights Main Streets, Inc.,

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Capitol Square at the Waterfront, Community Benefits Coordinating Council, and the Riverside Condominium Association.

10. The following persons testified in opposition to the Parcel 4 PUD: Philip Johnson, Seven Seas Cruising Association, Sally Fleming, Gene Solon, Stephen Deitch, ANC Commissioner Ron McBee, and Reverend Ruth Hamilton, chair of the Near Southwest/Southeast Community Benefits Coordinating Council. The Commission received letters in opposition from the following: Seven Seas Cruising Association, Potomac River Yacht Clubs Association, Quentin Borges-Silva, and Kael Anderson.
11. At its public meeting held on November 14, 2012, the Commission took proposed action to approve, with conditions, the Parcel 4 PUD.
12. The Parcel 4 PUD was referred to the National Capital Planning Commission ("NCPC") for review of any impacts on the federal interest under the Comprehensive Plan. On December 6, 2012, NCPC commented favorably on the Phase 1, second-stage PUD at the Southwest Waterfront including Parcels 2, 3, and 4 in addition to several open spaces; in-water development; and development of The Wharf itself.
13. The Zoning Commission took final action to approve the Parcel 4 PUD on January 14, 2013.

The PUD Project

14. The Southwest Waterfront project is a public-private partnership between the District of Columbia and Hoffman-Struever Waterfront, LLC, which entered into a land disposition agreement ("LDA") for its development. The District of Columbia, as owner of all the property in the PUD site except for Lots 83 and 814 in Square 473, the Vestry of St. Augustine's Church, the owner of Lots 83 and 814 in Square 473, and Hoffman-Struever Waterfront, LLC, the master developer selected by the District to implement the project, submitted their application for approval of a second-stage PUD to fulfill the revitalization plan envisioned by the District to reactivate the Southwest Waterfront. The project site fronts on the Washington Channel in Southwest Washington and is generally bounded on the northwest by the Maine Avenue Fish Market and Case Bridge (part of the highways comprising the 14th Street Bridge), Maine Avenue to the northeast, Washington Channel to the southwest, and on the southeast by N Street, S.W and 6th Street, S.W.

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15. Pursuant to the Stage 1 PUD approval, the project will include an aggregate floor area ratio (“FAR”) of 3.19, which includes the private streets in the project area, or approximately 3,165,000 square feet of gross floor area. The density excluding the private streets is approximately 3.87 FAR. Proposed uses will include approximately 1,400 mixed-income and market rate residential units, with 160,000 square feet of the gross residential space set aside for households earning no more than 30% and 60% of the Washington–Arlington–Alexandria, DC–VA–MD–WV Metropolitan Statistical Area median income (“AMI”); approximately 925,000 square feet of office space; a luxury hotel with a total of 278 guest rooms, and two additional hotels with approximately 405 rooms; approximately 300,000 square feet devoted to retail uses; a minimum of 100,000 square feet devoted to cultural activities; and more than 10 acres of parks and open space on the land side. The riparian area will feature four public or public use piers, as well as approximately 80,000 square feet of maritime-related commercial, recreational, and service development.
16. This first Stage 2 PUD Application proposes the development of six buildings on four different parcels. It also encompass the creation of new public and open spaces known as the Wharf, the Transit Pier, the District Pier, the Piazza Mews, the Avenue Mews, the Pier Mews, and Jazz Alley (collectively the “Mews”), the Piazza between parcels 3B and 4, the 7th Street Park, and Waterfront Park. Parcel 1 will also be improved with a temporary parking lot/event space.
17. The Parcel 4 PUD that is the subject of this order encompasses Parcel 4, the Capital Yacht Club, Yacht Club Plaza, Piazza Mews, Jazz Alley, 7th Street Park, and related spaces.

The Applicant and Development Team

18. The master developer and Applicant of the overall PUD project is Hoffman-Struever Waterfront, LLC, doing business as Hoffman-Madison Waterfront, LLC. The Applicant is processing this Application on behalf of the Deputy Mayor's Office for Planning and Economic Development and St. Augustine's Church. The Applicant's team includes the District-based Certified Local, Small, and Disadvantaged Business Enterprises of E.R. Bacon Development, Paramount Development, and Triden Development, as well as District-based CityPartners.

Approved Stage 1 PUD Development Parameters

19. Under the Stage 1 PUD, the Commission approved the parameters for the development of the Southwest Waterfront, as shown on the architectural plans submitted to the record. The PUD order authorizes a landside density of 3.87

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- FAR, excluding private rights-of-way, with a combined gross floor area of approximately 3,165,000 square feet. Waterside uses may have a maximum potential density of 0.68 FAR, or 114,000 square feet of gross floor area. (*See* Z.C. Order No. 11-03 at p. 33 (Condition Nos. A-1 and A-2).)
20. The Commission authorized a maximum building height of 130 feet on Parcels 1 through 4 and 6 through 9, which were rezoned to the C-3-C Zone District. Construction on Parcel 5, also located in the C-3-C Zone District, may not achieve a height greater than 110 feet. The proposed residential building on Parcel 11, located in the R-5-B Zone District, may not exceed 45 feet in height, or an overall height of 57 feet with an occupied penthouse, as shown on the approved drawings submitted to the record. The height of the church portion of the building on Parcel 11 may not exceed 45 feet (or 49 feet to the peak of the sloped roof). The building on Parcel 10, located in the W-1 Zone District, may not exceed 60 feet in height. Finally, the residential building on Pier 4 shall have a maximum height of 45 feet. (*Id.* (Condition No. A-3).)
21. With respect to parking facilities, the Commission authorized the construction of one or more below-grade parking structures on two to three levels that are required to provide spaces for approximately 2,100-2,650 vehicles. The PUD project is also required to provide parking or storage for 1,500-2,200 bicycles and sufficient loading facilities to accommodate the mix of uses on the site. The precise amount of parking and loading is to be determined for each Stage 2 PUD Application. (*Id.*)
22. Consistent with the phased development endorsed by the Commission, the first Stage 2 PUD application filed by the Applicant encompassed Parcels 2, 3, and 4. Additionally, in order to accomplish the development needs of St. Augustine's Church, the application included Parcel 11, as well as a temporary parking lot/event space on Parcel 1. Parcel 5, which was originally contemplated as part of this first phase of development, was not included with this Application.²

Overview of the Project Design Intent

23. The Southwest Waterfront PUD has been designed to reunite the city with the water's edge and re-enliven it with a mix of uses and year-round urban vibrancy. The concept is to bring the city's unique urban qualities of buildings with street walls and dynamic public open spaces to this area, while recalling the thriving commercial aspects of the historic working waterfront that once lined the

² The Stage 2 PUD application for Parcel 5 was subsequently filed on September 24, 2012, as Z.C. Case No. 11-03B and is presently under consideration by the Commission.

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Washington Channel. This working wharf once connected the upland city streets to the maritime edge, and was characterized by an industrial warehouse district with a focus on maritime activities.

24. As described during the approved Stage 1 PUD, the new development will provide a mix of uses to ensure an active waterfront throughout the year, day and night. The PUD as been designed as a series of “places,” not projects. Each place is the integration of architecture and landscape design to create inviting and memorable public environments. There will be a variety of gathering places to cater to every interest, ranging from actively programmed places to simple promenades and parks for passive enjoyment of the water and its environs.
25. The plan for the waterside has been fully integrated with the land plan. The project will incorporate four new public use piers along the Washington Channel, allowing access into the Channel for the first time. The District Pier, the largest of the piers, is intended to be the primary waterside entrance to the project and the host for the District’s waterside events. A host of other tour boats, tall ships, and maritime vessels, such as water taxis, will be added to the existing recreational maritime activities to provide much more activity and many more reasons for the public to use the waterfront and engage in water sports and activities. Consistent with the Stage 1 PUD approval the waterside development and the new pierhead line extend to the limit of the federal navigational channel, pursuant to permit number 2011-00766 (SOUTHWEST WATERFRONT REDEVELOPMENT/THE WHARF) issued by the U.S. Army Corps of Engineers (“USACE”).

Parcel 4 Proposed Development

26. Parcel 4 is located in the middle of this first phase of the Stage 2 PUD site, between 7th and 9th Streets, S.W. It has a land area of 50,378 square feet but is part of the larger proposed Lot 1 that will encompass Parcels 1, 2, 3, 4, and 5, as shown on Sheet 1.13 of Volume 0 of the drawings (Ex. 218). The overall land area of Proposed Lot 1 is 489,362 square feet. Together with the other proposed buildings in this first Stage 2 PUD application, Lot 1 will be developed with a total of 1,463,970 square feet of GFA, which equates to an overall density of 2.99 FAR.
27. Parcel 4 will be developed as a single structure with two separate and distinct residential mixed-use buildings contained within. The base will be two to four stories in height, with “towers” of eight to 10 stories, for a total building height of up to 130 feet. The ground level and second floor will include retail, and the remainder of the building will be devoted to residential uses, including affordable and workforce housing in the rental apartment building. The residential portion

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of the building will contain 291,473 square feet of GFA, and the retail uses will comprise 77,241 square feet of GFA. The residential units will be allocated for sale and for rent. The Applicant presently anticipates that approximately 168 units, or 120,173 square feet of GFA will be leased, and approximate 134 units, or 171,300 square feet of GFA, will be sold.

28. Parcel 4 will include the following types of units:

30% AMI	10,642 sf GFA (18 units)
60% AMI	15,096 sf GFA (25 units)
100% AMI	10,792 sf GFA (17 units)
120% AMI	4,715 sf GFA (7 units)
Market	78,927 sf GFA (101 units)

29. The lower two floors of the building are devoted to retail and services uses. At the third floor, setbacks are introduced to allow for a pool terrace. A typical floor is divided in two segments, with the for-sale condominium units facing the water and the rental apartments facing Maine Avenue. The 11th and 12th floors are comprised entirely of for-sale condominium units. At the 12th floor, the units will have access to private roof terraces.

30. The building design is expressed using an industrial palette found in warehouses, docks, and other waterfront structures. Viewed from Maine Avenue, the building has been broken into three separate volumes, sitting atop a podium, which itself has been broken into smaller, distinct "pavilions." Two of the volumes run parallel with each other from Maine Avenue toward the waterfront, and are bisected by a third that runs the length of the block, from Jazz Alley to Yacht Club Piazza. From this view the building has been articulated with brick and punched windows, moving up the length of the tower. The two upper floors wrap the building in floor-to-ceiling glass, and create a ring of light and transparency with continuous glazing around the top of the volumes. The volumes facing Maine Avenue primarily house mixed-income rental apartments and are accessed by a lobby on Maine Avenue.

31. Viewed from the Wharf, the building "peels away" from the adjacent buildings on Parcels 3 and 5 to create the feeling of openness toward the waterfront. One of the two parallel volumes continues toward the water, while the other terminates, which creates an expanse of open sky above the building podium. The open space that is created forms a "Piazza," which will serve as the drop-off point for the condominium lobby, the retail stores in the podium, as well as the adjacent hotel building. A large tree will be planted in the Piazza as a signature move that will help enhance the sense of place and feeling of permanence. The palette on

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- the Wharf-side is articulated in metal and floor-to-ceiling glass, with divided light windows for a contemporary take on traditional industrial windows. The majority of the residential units on this side have water views and balconies looking down onto the Wharf and across the river.
32. On the ground, the building's podium is split by the "Piazza Mews," which separates the base of the building into smaller pavilions to break down the scale. The rhythm and feel of the podium is industrial, expressed with brick, black metal, and glass, yet each of the individual pavilions is articulated differently to related to the unique space it is facing. Along Maine Avenue, larger scale expressions read more appropriately, while inside along the Piazza Mews, smaller details work better to enhance the pedestrian context and experience. Double-faced retail and service uses line the Piazza Mews, and wrap out and around the building. This provides additional activation of the Mews and Wharf with outdoor seating opportunities and pedestrian liveliness. In addition, along the east side of the building, Jazz Alley will feature a mix of music clubs, restaurants and bars designed to create an intimate and dynamic space with a focus on small-scale music and artistic venues. Above, landscaping spills over the podium top to meet greenery growing up and along the walls, softening the brick and metal. Bridges and walkways in a similar industrial palette span the mews and connect the pavilions.
33. As originally designed, the building included a large penthouse structure that extended into the east and west sides the building as an architectural expression of those façades. At the direction of the Commission, the Applicant restudied and scaled back the penthouse to a size commensurate with the needs of the mechanical equipment.
34. The Commission also questioned whether the transparent architectural expression would be lost once the units were occupied due to wide variations in individual furnishing and window treatments. The Applicant stated that the degree of reflectivity of the glass would not make those vagaries apparent and that the condominium documents would specify a uniformity in window treatments to protect against an incoherent appearance.

7th Street Park

35. The 7th Street corridor is an important connection from the city and community to the water. Two components for this project sit within that corridor: a recreational pier and a residential square. The 7th Street Park constructed between Parcels 5 and 6 will be primarily green open space. The design intent is to create a green for residential, hotel, and general neighborhood use. It will provide an open green

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center maximizing views to the water. It provides an unobstructed view of the water and the trees in East Potomac Park and beyond. The design is shaped using supple forms that roll like gentle waves of water.

36. The central elliptical green consists of a sun lawn with dappled shade from tall deciduous canopy trees lifted up on a four-inch masonry curb. The center of the green rises in a gentle mound. Paths cross from the green to the buildings, marking the ground with a contrasting material to the masonry floor of the park perimeter. All the paved areas drain to a gutter at the edge of the ellipse, which feeds a rain garden at the southern end of the park. The rain garden is filled with riparian plantings and is under-drained to support the stormwater requirements of the site.
37. The active retail, hotel, and restaurant uses at the ground floor of the facing buildings are supported by café seating along the edges. The space is made to feel larger with the undifferentiated paving on the vehicular and pedestrian areas, divided by a line of slim stainless steel bollards. The streets will have a flush curb with little obstruction along the building edge, offering the greatest flexibility of pedestrian movement from the Wharf and Maine Avenue.
38. Bench seating frames an interactive fountain at the southern edge of the park, bringing families and activity toward the water's edge at the overlook and the 7th Street Pier, which is part of Phase 3. The overlook along the Wharf, which will also be constructed as part of Phase 3, is composed of a cantilevered deck with a wooded shade structure supported by timber columns. A combination of wood and steel decking steps down toward the water's edge. The height of this pavilion will be approximately 15 feet in order to maintain the views toward the water from Maine Avenue. A fire pit will be located here under the canopy. The details of the overlook railing and steps will match the details on the pier.
39. In the water, adjacent to the overlook, are approximately 10 floating wetland islands of varying size. These planted islands will help dissipate and filter water from the stormwater interceptor at 7th Street and the Wharf, offer opportunities for wildlife and vegetation, and create a rich environment for the kayakers using the pier. The floating islands will be installed when the pier is constructed in a later phase of the PUD.

Capital Yacht Club and Marina

40. The Capital Yacht Club and its associated marina will be rebuilt on the Wharf's edge between Parcels 3 and 4. The combined Yacht Club and associated retail will include approximately 7,460 square feet of program space. The overall

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- height of the building will be 27.5 feet. As part of the discussions with the CFA, the building was shifted 10 feet to the east to maintain a visual connection to the water from the Capital Yacht Club Plaza and Avenue Mews.
41. The first floor of the building is intended to accommodate waterside uses. Bathroom and shower facilities for both Capital Yacht Club members and transient dockers are located here. A small galley kitchen, ship store, small pantry, and storage spaces are also located on this floor. The central area has a glass curtain window wall on each side to allow views from the Capital Yacht Club Plaza through the building as well as along the two docksides that surround the building.
 42. The upper level, which can be entered from the public plaza area, provides more gathering space, which has a bar, seating area for dining, and a small kitchen for the club. The building is anchored by tightly stacked stone masonry with punched windows and accented with pre-patinated copper or a zinc panel system. Access to the docks will be controlled by a glass security gate. The Capital Yacht Club Marina, located just below the clubhouse on the water, has approximately 90 boat slips.

Capital Yacht Club Plaza, Piazza Mews, Jazz Alley

43. The Capital Yacht Club Piazza, located in front of the Yacht Club, is a simple extension of the Wharf with a tree as its dominant feature. The area has been specifically engineered to allow for root spread and canopy growth.
44. Piazza Mews is located in the center of Parcel 4 and runs in an east-west direction. The shared walk zone is approximately 21.5 feet and is designed as a flexible seating area for the cafes located along the Piazza. The space will have an intimate feel with a glass canopy above and flowering vines climbing at walls and hanging off the glass "bridge."
45. Jazz Alley is the north-south shared passageway between Parcel 4 and 5. Through the use of different pavers, the area is delineated into six-foot walk zones at the edges with a shared pedestrian-vehicular zone, approximately 12 feet, six inches, wide in the center. Overhead strings of lighting and canopies will create an intimate yet vibrant area.

Parking, Loading, and Curbside Management

46. Parking for the Parcel 4 Building will be located below-grade in the shared parking facility under Parcels 2, 3, and 4. The shared parking garage, which

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includes electric vehicle charging stations and car-sharing spaces, is described in greater detail in the companion Zoning Commission order for the Parcel 2 PUD. (See Z.C. Order No. 11-03A(1).) The garage provides 1,095 automobile spaces, and 712 long-term and 120 short-term spaces for bicycles. Loading facilities will be provided for the building as shown on the Sheet 4.8 of Volume III of the drawings (Ex. 205A). A loading and curbside management plan will ensure coordination of trucks and deliveries within the Parcel 4 PUD. (Ex. 196, 246A, 246B.).

Sustainable (LEED) Development

47. The Applicant has developed guidelines to ensure that the vertical development of this Stage 2 application has been designed in accordance with LEED-ND Gold objectives, in order to meet individual certification requirements and to comply with the overall larger framework of LEED-ND criteria. (See Z.C. Order No. 11-03, at p. 36 (Condition No. B-7).) With the exception of the church portion of the building on Parcel 11, each new building or vertical development component will be designed to achieve a LEED-NC (new construction) or LEED-CS (core and shell) Silver rating or higher. With the exception of the church building on Parcel 11, each building has also been designed to meet the LEED stormwater requirements for both quality and quantity in conformance with the certification process sought for each building.
48. The LDA between Hoffman-Madison and DMPED requires the project to incorporate sustainable design criteria and pursue LEED 2009 for Neighborhood Development (LEED ND) certification by the Green Building Certification Institute (GBCI) at the Gold level or higher. LEED certification at the target level requires compliance with and documentation of all prerequisites and between 60 and 79 points.
49. In keeping with the approved Stage 1 PUD and the LDA, the overall project is designed and developed in its entirety to meet the requirements of the D.C. Green Building Act of 2006 that came into effect March 8, 2007. All individual buildings within the project, with the exception of St. Augustine's Church on Parcel 11, will pursue LEED certification with the GBCI at the Silver level or higher in compliance with the appropriate individual building certification system, New Construction (NC), Core & Shell (CS) or Commercial Interiors (CI).
50. Sustainable strategies include creating pedestrian-friendly streets by limiting speeds and the design of the streetscape; creating civic, public use spaces, and basic services that are accessible on foot; and energy efficiency at the macro level.

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51. The project incorporates progressive strategies to address the management and treatment of the large volumes of stormwater generated on site. This is being done through the use of extensive Low Impact Development zones along Maine Avenue and the Wharf, and within the 7th Street Park and Waterfront Park and through the construction of a monumental stormwater reuse cistern. The monumental cistern will collect up to the 3.2-inch storm event from the main parcel/Wharf area as required by the Anacostia Waterfront Development Zone stormwater regulations and will reuse it for on-site uses such as condenser water make-up (primarily through the makeup requirement for the CHP/Cogen plant). This stormwater reuse program treats stormwater as resource instead of a liability, and will help to improve the health of the Potomac River Watershed and the overall Chesapeake Bay. Additionally, all individual buildings within the project, with the exception of the portion of the building on Parcel 11 that will house the St. Augustine's Church, will meet or exceed the LEED NC & ND stormwater credits as appropriate to the rating system under which certification is being sought. Individual buildings will also perform periodic water quality testing on the generated stormwater runoff from the site.

Project Association

52. The Applicant will create and manage a project association for the PUD that will be responsible for maintenance and improvements of the private roadways, alleys, bicycle paths, promenade, sidewalks, piers, parks, and signage, within the PUD boundaries ("Project Association"). The Applicant will manage and operate the Project Association during the "developer control period," as defined in the Applicant's Declaration of Covenants with the District of Columbia. The developer control period begins upon the effective date of the Declaration of Covenants and ends five years after issuance or deemed issuance of the last certificate of completion for all portions of the PUD site and unit certificates of completion for each residential condominium unit. The project association will fund maintenance and programming elements of the project's common elements through a Common Area Maintenance ("CAM") assessment charge to each development component within the PUD. Additionally, the project association will be responsible for programming and staging events within the PUD.

Certified Business Enterprises

53. The Applicant has enter into a Certified Business Enterprise ("CBE") Agreement, with the D.C. Department of Small and Local Business Development ("DSLBD") in order to achieve, at a minimum, 35% participation by certified business enterprises in the contracted development costs for the design, development,

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construction, maintenance, and security for the project to be created as a result of the PUD.

54. In a separate effort, the Applicant has committed that 20% of the retail space will be set aside for "unique" and/or "local" businesses. As defined under the LDA, a "local" business is a retailer that is either a CBE or a retailer headquartered in the District of Columbia. A "unique" business is a retailer owning or operating fewer than eight retail outlets in the aggregate at the time such retailer enters into a retail lease at the PUD (inclusive of such retail outlet at the PUD). The Applicant will work collaboratively with business and community organizations throughout the District to identify and, where possible, mentor potential small restaurateurs and retailers to help them lease and successfully operate these retail spaces. The Applicant will also have kiosks along the promenades, and in parks and other public spaces, where even smaller local businesses can try out their retail concepts on a low-risk basis; those kiosk operators who are successful will have the opportunity to move indoors, into one of the spaces reserved for unique and local business enterprises, thereby growing their business.

First Source Employment Opportunity

55. The Applicant has also executed a First Source Employment Agreement with the Department of Employment Services to achieve the goal of utilizing District residents for at least 51% of the new jobs created by the PUD project. (Ex. 209.) Prior to issuance of a building permit for any construction of the Parcel 4 PUD, the Applicant shall complete the Construction Employment Plan (referred to at the hearing as "page 11") of the First Source Employment Agreement outlining the hiring plan for the project. The Applicant and its contractor, once selected, shall use best efforts to coordinate apprenticeship opportunities with construction trades organizations, the D.C. Students Construction Trade Foundation, which is an affiliate of the Cardozo Trades Academy and other training and job placement organizations to maximize participation by District residents in the training and apprenticeship opportunities in the PUD.

Workforce Intermediary Program

56. Consistent with the Stage 1 PUD approval, the Applicant has committed to contributing \$1 million to the District's Workforce Intermediary Program. At the time of the Stage 1 PUD approval, the Applicant had already paid \$250,000 of that commitment. The Applicant will fund the remaining \$750,000 as part of this Stage 2 PUD.

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Project Benefits and Amenities

57. In its Stage 1 approval of the PUD, the Commission evaluated the public benefits and amenities of the PUD, concluded they were an adequate tradeoff for the zoning flexibility requested, and required the Applicant to identify the benefits and amenities proposed for each Stage 2 application, as well as the overall status of the delivery of the benefits and amenities for other aspects of the PUD. This Stage 2 application delivers the appropriate benefits and amenities required by the Stage 1 order for this portion of the overall development.

Development Incentives and Flexibility

58. *Roof structure setbacks:* Pursuant to § 411 of the Zoning Regulations, all penthouse roof structures are required to be setback one foot from the exterior walls of the building for each foot of vertical height of the penthouse. Here, the Applicant is proposing a penthouse height of 18.5 feet, thereby requiring a setback from the roof edge of 18.5 feet. As originally submitted, the Applicant sought a greater degree of relief from the setback requirements but redesigned the penthouses in response to comments from the Commission. The modest relief now required is the minimal needed to accommodate mechanical and elevator override equipment and required stair egress for the penthouses.
59. *Parking:* The residential uses on Parcel 4 generate a requirement for 76 parking spaces for vehicles and nine spaces for bicycles. The retail uses on Parcel 4 generate a requirement for 93 parking spaces for vehicles. The Applicant proposes to satisfy these requirements in the shared parking facility.
60. *Loading:* The uses on Parcel 4 generate a requirement for two 30-foot loading berths, two 55-foot loading berths, one 100-square-foot platform, two 200-square-foot platforms, and two delivery spaces. The Applicant seeks flexibility to provide one trash berth, one 30-foot berth, one 200-square-foot platform, and one delivery space, as part of its overall curbside management and loading plan.
61. No other zoning relief was requested or granted.
62. *Flexibility for Minor Design Details:* Additionally, the Applicant requested minor relief from the architectural details, materials, interior layouts and other similar relief that is typical in PUD applications to allow for adjustments as designs develop into the construction detail phase. The Commission finds that such relief is also appropriate in this instance, as well, as noted in the conditions below.

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Office of Planning Report

63. By report dated July 2, 2012, OP recommended approval of the Parcel 4 PUD components, including the design of the Parcel 4 Building, the Piazza Mews and Jazz Alley, Capital Yacht Club Plaza, Capital Yacht Club Building, the Wharf adjacent to Parcels 4 and 5, Maine Avenue adjacent to Parcels 4 and 5, and 7th Street Park. OP expressed concerns, however, regarding the extra visual height implied by the design of the mechanical penthouses. The Applicant subsequently revised those elements of the building. (Ex. 78.)

DDOT Report

64. DDOT submitted a memorandum, dated June 18, 2012, in support of the PUD, with several recommendations. (Ex. 33.) DDOT concluded that, after an extensive multi-administration review, that any adverse effects of the Phase I development can be mitigated, and that the Applicant had adequately documented the most likely extent of those impacts. DDOT also noted, however, that there are significant needs to be addressed in the local and regional transportation system to handle the pedestrian, transit, and vehicular traffic generated by the development, most of which the Applicant documented and addressed through their statement. DDOT also expressed concerns that that the transportation scenario assessed in the transportation impact statement is not definite, and, in particular, that it relies on aggressive but achievable non-automobile travel. Therefore, DDOT recommended that an enforceable monitoring program for Transportation Demand Management ("TDM") be implemented to mitigate future impacts, should they arise.
65. In response to the DDOT report, the applicant submitted a Loading and Curbside Management Plan. (Ex. 196.) The Commission finds that the Applicant has satisfactorily addressed these concerns, based on the supplemental submissions dated November 28, 2012. (Ex. 256A, 246B.) The Commission further finds that the curbside loading and management plan adequately address the traffic and transportation concerns affecting the Parcel 4 PUD.

ANC Report

66. On June 19, 2012, ANC 6D submitted its initial resolution to the record in opposition to the Application based on insufficient time to review materials provided by the Applicant. The ANC was concerned about issues raised by the GPSA; the relation of the project to the North; changes that might occur to the project as a result of USACE review and pending legislation affecting the Washington Channel; traffic; and concerns relating to Kastles Stadium, Parcel 11, and the Waterfront Park.

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67. On August 21, 2012, ANC 6D submitted a second resolution to the record rescinding its June 19 resolution and supporting the Stage 2 PUD, with conditions. The ANC requested the Commission to review the materials the Applicant submitted to the record in response to the ANC. (Ex. 171-171CC2). The ANC commented on the progress that had been made among GPSA, the Applicant, and the Deputy Mayor's Office for Planning and Economic Development in reaching an agreement on the successful continuation and accommodation of the live-aboard community. The ANC continued to express dissatisfaction with DDOT's analysis of the project because DDOT has not yet concluded its M Street SE/SW Transportation Plan. The ANC was also dissatisfied with DDOT's planning for the Circulator bus for Southwest Waterfront.
68. The ANC was pleased with the Applicant's First Source Employment and Certified Business Enterprise agreements, but requested assurances that the Applicant would comply with the terms of those agreements and institute the apprenticeship program also required under the LDA and PUD.
69. The ANC also expressed concerns about other portions of the Stage 2 application, which are addressed in the separate orders for those segments.
70. In response, the Commission concurs with the ANC's support for the project. The Commission shares the ANC's desire for the Applicant to abide by the terms of the First Source and CBE agreements and finds that there are adequate enforcement measures to assure compliance.
71. With respect to the adequacy of DDOT's evaluation of the project in light of the M Street SE/SW Transportation Plan, the Commission finds that the Transportation Study prepared by the Applicant adequately and thoroughly evaluated the project for adverse impacts. The Commission finds that the project will feature progressive TDM measures that will help maintain the roadway network at acceptable levels of service. DDOT's recommendation for additional TDM measures that can be implemented in the future, as warranted, successfully addresses current projects but also adequately protects against unanticipated traffic impacts.
72. The Commission accords great weight to the views of the ANC and finds that the Applicant has responded appropriately to each issue raised.

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Other Required Governmental Approvals

73. CFA reviewed the conceptual plans for the Parcel 4 PUD pursuant to its authority under the Shipstead-Luce Act. The CFA recommended approval of the Parcel 4 PUD pursuant to its letter dated June 28, 2012. (Ex. 58.)
74. USACE reviewed the waterside development and issued approval for the proposed work by letter dated July 31, 2012. (Ex. 184.)
75. On July 9, 2012, President Obama signed Public Law 112-143 deauthorizing USACE control over a 200-foot section of the Washington Channel. The effect of the law is to narrow the navigable channel width and allow the development of the waterside improvements to the federal navigational channel, as envisioned under the Stage 1 PUD.

Gangplank Slipholders Association

76. GPSA testified as a party in opposition to the Parcel 4 PUD. GPSA stated that it was still coordinating with OP and the Applicant regarding protections for the live-aboard community and hoped to report back to the Commission on a subsequent hearing night. Subsequent to the hearing on this matter, the Applicant and GPSA reached an agreement that resolved all outstanding issues between the parties. That agreement was submitted to the record as Exhibit 235C. The issues raised by GPSA have been fully resolved and are addressed in greater detail in the companion Zoning Commission order for the Parcel 2 PUD. (See Z.C. Order No. 11-03A(1) (Overall Plan Elements).)

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.)
2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, FAR, 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.

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3. Development of the property included in this application carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned developments, which will offer a project with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
4. The Parcel 4 PUD meets the minimum area requirements of § 2401.1 of the Zoning Regulations.
5. The Parcel 4 PUD, as approved by the Commission, complies with the applicable height, bulk and density standards of the Zoning Regulations. The residential and retail/service uses for this project are appropriate for the PUD Site. The impact of the project on the surrounding area is not unacceptable. Accordingly, the project should be approved.
6. This Stage 2 PUD is substantially in accordance with the elements, guidelines, and conditions of the first-stage approval and thus should be granted. Pursuant to § 2408.6, if the Commission finds the Stage 2 PUD application to be in accordance with the intent and purpose of the Zoning Regulations, the PUD process, and the first stage approval, the Commission shall grant approval to the second-stage application, including any guidelines, conditions, and standards that are necessary to carry out the Commission's decision. As set forth above, the Commission so finds.
7. The application can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.
8. The Applicant's request for flexibility from the Zoning Regulations is consistent with the Comprehensive Plan. Moreover, the project benefits and amenities are reasonable trade-offs for the requested development flexibility.
9. Approval of this Parcel 4 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 site 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.
10. 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 (2001)), to give great weight to OP recommendations. The Commission

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carefully considered the OP report and, as explained in this decision, finds its recommendation to grant the applications persuasive.

11. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to the issues and concerns raised in the written report of the affected ANC. The Commission has carefully considered the ANC 6D's recommendation for approval and concurs in its recommendation.
12. The application for a PUD 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 the Application for approval of the Stage 2 PUD for Parcel 4, Capital Yacht Club, Capital Yacht Club Piazza, Piazza Mews, Jazz Alley, the 7th Street Park, and adjacent spaces, subject to the guidelines, conditions, and standards set forth below.

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

A. Project Development

1. The Parcel 4 PUD shall be developed substantially in accordance with the Parcel 4 and related plans (Volume III) prepared by Perkins Eastman Architects, dated August 21, 2012, marked as Exhibit 205A in the record; as modified by the guidelines, conditions, and standards herein.
2. Parcel 4 PUD shall be subdivided and included in a proposed single lot of record (Proposed Lot 1) containing 489,362 square feet of land area, as shown on Sheet 1.13 of Volume 0 of the drawings dated August 28, 2012, and marked as Exhibit 218 in the record. The Proposed Lot 1 may accommodate multiple buildings on a single lot of record.
3. Parcel 4 shall be developed with a residential building that includes retail and service uses on the first two floors, with an overall maximum height of 130 feet.

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- The residential portion of the building will contain 287,654 square feet of GFA, and the retail uses will comprise 77,241 square feet of GFA.
4. The building shall provide a mix of affordable, workforce and market-rate units, consistent with the Sheets 4.5, 4.6, and 4.8 in Volume 0 of the drawings. (Ex. 200A.)
 5. This Stage 2 PUD shall also be developed with the two-story Capital Yacht Club, with approximately 7,460 square feet of program space and a maximum height of 27.5 feet. The lower level of the building shall provide bathroom and showers facilities for both Capital Yacht Club members and transient dockers, as well as a small kitchen, ship store, small pantry, and storage spaces. The upper level will provide gathering space for club activities, including a bar, seating area for dining, and a small kitchen for club use.
 6. Parking spaces for the Parcel 4 PUD shall be provided in the below-grade shared garage under Parcels 2, 3 and 4. The shared parking garage, as described in greater detail in the companion order for the Parcel 2 PUD (Z.C. Order No. 11-03A(1)), shall provide approximately 1,095 automobile spaces, 712 long-term and 120 short-term spaces for bicycles, electric vehicle charging stations, and car-sharing spaces. (Sheets 1.15–1.17 of Volume 0 of the drawings (Ex. 200A).)
 7. Shared loading facilities for the Parcel 4 building shall be located within the building as shown on Sheets 1.23, 1.24, and 4.8 of Volume III of the drawings. (Ex. 205A.) The Applicant shall implement the loading and curbside management plan as shown on the drawings, and implement an abide by the loading and curbside management plan prepared by the traffic consultant and submitted to the record. (Ex. 196, 246A, 246B.) The Applicant shall have the flexibility to modify the monitoring/report requirements in coordination with DDOT.
 8. This Stage 2 PUD shall also provide the improvements to Maine Avenue and the Wharf adjacent to Parcel 4, as shown on Sheets 3.1–3.5 and Sheets 3.24–3.28 of Volume III of the drawings. (Ex. 205A.) This Stage 2 PUD shall also provide the improvements for the Piazza Mews and Jazz Alley, the Capital Yacht Club Plaza, and 7th Street Park, as shown on Sheets 3.6–3.23 of the drawings. (Ex. 205A.) Signage, street furniture and fixtures, and lighting for the PUD for Parcel 4 and the areas adjacent shall be installed consistent with the plans. (Ex. 200A.)
 9. The Applicant shall have flexibility with the design of the PUD in the following areas:

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- a. To provide a range in the number of residential units on Parcel 4 of plus or minus 10% from the number depicted on the plans;
- b. From the roof structure setback requirements, consistent with the roof plans submitted as part of the drawings;
- c. From the parking and loading requirements, with alternative compliance through the shared parking facility and loading and curbside management plan detailed in Z.C. Order No. 11-03A(1);
- d. To vary the garage layout, the number location, and arrangement of the vehicle and bicycle parking spaces, provided that the total number of vehicle spaces is not reduced by more than five percent of the 1,095 spaces in the shared garage shown on the drawings;
- e. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the buildings;
- f. To vary the location and configuration of the affordable units so long as the proportion of studio, efficiency, and one-bedroom affordable units to all affordable units shall not exceed the proportion of market-rate studio, efficiency, and one-bedroom units to all market rate units with a mixed-income building. The affordable units shall be of a size equal to the market-rate units, provided that the affordable units may be the smallest size of each market-rate type and have no luxury-scaled unit counterpart;
- g. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction, without reducing the quality of the materials; and to make minor refinements to exterior details and dimensions, including curtainwall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code, the recommendations of the U.S. Commission of Fine Arts, or that are otherwise necessary to obtain a final building permit;
- h. To vary the final design of retail frontages, including locations of doors, design of show windows, and size of retail units, to accommodate the needs of specific retail tenants;
- i. To vary the location and size of signs on the buildings, as long as they conform to the sign guidelines for the PUD; and
- j. To vary the selection of plantings in the landscape plan depending on seasonal availability within a range and quality as proposed in the plans.

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B. Public Benefits

1. Prior to the issuance of a certificate of occupancy, the Parcel 4 Building and the Capital Yacht Club shall be designed to achieve a LEED-NC (new construction) or LEED-CS (core and shell) Silver rating or higher, generally consistent with the score sheets submitted as Sheet 1.41 and 2.11, respectively, of the Volume III of the drawings. (Ex. 205A.)The Applicant shall put forth its best efforts to design the Parcel 4 Building and Capital Yacht Club so they may satisfy such LEED-NC (new construction) or LEED-CS (core and shell) Silver rating or higher but the Applicant shall not be required to obtain the certification from the United States Green Building Council.
2. Prior to issuance of the first certificate of occupancy for the Application, the Applicant shall establish the Project Association for the PUD that will be responsible for maintenance and improvements of the private roadways, alleys, bicycle paths, promenade, sidewalks, piers, parks, and signage within the PUD boundaries. Additionally, the Project Association will be responsible for programming and staging events within the PUD. The Project Association will fund maintenance and programming elements of the project's common elements through a Common Area Maintenance ("CAM") assessment charge to each development component within the PUD. The Applicant shall create, manage and operate the Project Association during the "developer control period," which begins on the effective date of the Declaration of Covenants between the District of Columbia and the Applicant and ends five years after issuance or deemed issuance of the last certificate of completion for all portions of the PUD site and unit certificates of completion for each residential condominium unit.
3. During construction of the project, the Applicant shall abide by the terms of the executed First Source Employment Agreement with the Department of Employment Services (Ex. 209) to achieve the goal of utilizing District residents for at least 51% of the new jobs created by the PUD project.
4. Prior to issuance of a building permit for any construction of Parcel 4, Piazza Mews and Jazz Alley, Capital Yacht Club Plaza, Capital Yacht Club Building, the Wharf adjacent to Parcels 4 and 5, Maine Avenue adjacent to Parcels 4 and 5, and 7th Street Park or related spaces, the Applicant shall complete the Construction Employment Plan of the First Source Employment Agreement outlining the hiring plan for the project. The Applicant and its contractor, once selected, shall use best efforts to coordinate apprenticeship opportunities with construction trades organizations, the D.C. Students Construction Trade Foundation, which is an affiliate of the Cardozo Trades Academy, and other training and job placement

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organizations to maximize participation by District residents in the training and apprenticeship opportunities in the PUD.

- 5. During the life of the project, the Parcel 4 will include the following types of units:

30% AMI	10,642 sf GFA (18 units)
60% AMI	15,096 sf GFA (25 units)
100% AMI	10,792 sf GFA (17 units)
120% AMI	4,715 sf GFA (7 units)
Market	78,927 sf GFA (101 units)

- 6. During the life of the project, the Applicant shall abide by the executed CBE Agreement with the Department of Small and Local Business Development (Exhibit No. 4-J in Z.C. Case No. 11-03) to achieve, at a minimum, 35% participation by certified business enterprises in the contracted development costs for the design, development, construction, maintenance, and security for the project to be created as a result of the PUD. The Applicant shall comply with the LDA requirement to set aside 20% of the retail space for “unique” and/or “local” businesses, as defined in this order.

- 7. At such time as requested by the District, the Applicant shall pay to the District \$750,000 in support of the District’s Workforce Intermediary Program.

C. Miscellaneous

- 1. 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 Applicant and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Division, Department of Consumer and Regulatory Affairs (“DCRA”). Such covenant shall bind the Applicant and all successors in title to construct and use the property in accordance with this Order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.

- 2. The PUD shall be valid for a period of two years from the effective date of Z.C. Order No. 11-03A(3). Within such time, an application must be filed for a building permit for the construction of the project as specified in 11 DCMR § 2409.1; the filing of the building permit application will vest the Order. Construction of the project must commence within three years of the effective date of Z.C. Order No. 11-03A(3).

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3. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 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 and expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On November 14, 2012, upon the motion of Commissioner May, as seconded by Commissioner Turnbull, the Zoning Commission **APPROVED** the Application at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Marcie I. Cohen, Peter G. May, and Michael G. Turnbull to approve; Robert E. Miller, not having participated, not voting).

On January 14, 2013, upon the motion of Vice Chairman Cohen, as seconded by Commissioner May, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Marcie I. Cohen, Peter G. May, and Michael G. Turnbull to adopt; Robert E. Miller, not having participated, not voting).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on February 15, 2013.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 11-03A(4)
Z.C Case No. 11-03A
Hoffman-Struever Waterfront, LLC
(Second-Stage Planned Unit Development – Southwest Waterfront)
Parcel 11A, Parcel 11B, Waterfront Park, and Adjacent Space
January 14, 2013

Pursuant to notice, the Zoning Commission for the District of Columbia (the “Commission”) held a public hearing on June 28, July 2, July 12, July 23, and July 31, 2012, to consider an application for a second-stage planned unit development (“PUD”) filed by Hoffman-Struever Waterfront, LLC, (the “Applicant”) on behalf of the Vestry of St. Augustine’s Church (“St. Augustine's Church”) as co-applicant solely with respect to Parcel 11, and the District of Columbia, through the Office of the Deputy Mayor for Planning and Economic Development, the current owners of the property. The project site is generally bounded by the Washington Channel of the Potomac River and Maine Avenue, between 11th Street on the west to 6th Street on the east, all in Southwest Washington. The Commission approved the Stage 1 PUD application for this project by order dated December 16, 2011, in Z.C. Case No. 11-03. This Stage 2 PUD application encompasses the portion of the project site known as Parcels 2, 3, 4, and 11, the Capital Yacht Club, and the public open spaces known as the Wharf, the Transit Pier, the District Pier, the Yacht Club Piazza, the Mews, Jazz Alley, 7th Street Park, and Waterfront Park, as well as temporary uses on Parcel 1 (the “Application”). 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 Commission divided the Application into four discreet segments corresponding to the four parcels and adjacent spaces, with each segment considered on a separate hearing date. Upon a motion made by the Applicant, the Commission granted a request to deliberate and vote on each segment separately, and issue separate orders accordingly. 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 for Parcel 11A, 11B, the Waterfront Park, and related open spaces (the “Parcel 11 PUD”).

FINDINGS OF FACT

The Application, Parties, and Hearings

1. On February 3, 2012, the Applicant filed the Application with the Commission for second-stage review and approval of a PUD for the following land and adjacent riparian areas of the Washington Channel: Lots 804, 805, 806, 822, 823, 824, 825, 826, 827, 828, 831, and 849, and portions of Lots 839 and 850 in square 473. The Application also included the land owned by St. Augustine's Church at Lots 83 and 814 in Square 473 (“Parcel 11”). This Stage 2 PUD contains approximately 681,650 square feet of land area. The Property is presently improved with buildings and improvements constructed under the Southwest Urban Renewal Plan for the Southwest Waterfront. The Applicant

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intends to redevelop the PUD site consistent with the Stage 1 PUD approval order issued December 16, 2011.

2. By report dated March 30, 2012, the Office of Planning (“OP”) recommended that the Application be set down for a hearing. At its public meeting held on April 9, 2012, the Commission voted to schedule a public hearing on the Application. At that same meeting, the Commission determined to divide the project into four segments and consider each segment individually on a separate hearing night, as follows:

<u>Hearing Date</u>	<u>Topic</u>
June 28, 2012	Parcel 2, the Combined Heating & Power Plant, Parcel 1 temporary uses, and the Transit Pier
July 2, 2012	Parcel 3A, Parcel 3B, District Pier and Pier & Avenue Mews
July 12, 2012	Parcel 4A, Parcel 4B, Capital Yacht Club, Yacht Club Plaza, Piazza Mews, Jazz Alley, and 7th Street Park
July 23, 2012	Parcel 11A, Parcel 11B, and Waterfront Park

The Commission also established separate submission deadlines for supplemental materials and requests for party status for each segment of the hearing. The Commission held a final night of hearing on July 31, 2012 to review design revisions approved by the Commission of Fine Arts (“CFA”) at its July 19, 2012 meeting and to allow the Applicant to present rebuttal testimony and closing arguments.

3. On April 11, 2012, the Applicant submitted its pre-hearing statement and on July 3, 2012, submitted its supplemental information for Parcel 11, the Waterfront Park and related spaces, along with several architectural drawings to respond to issues raised by the Commission and OP.
4. A description of the proposed development and the notice of the public hearing for this matter were published in the *D.C. Register* on May 4, 2012. The notice of public hearing was mailed to all property owners within 200 feet of the PUD Site as well as to Advisory Neighborhood Commission (“ANC”) 6D. On July 23 and 31, 2012, the Commission held a hearing to consider the portion of the Application for Parcel 11 PUD.
5. The parties to the Parcel 11 PUD were the Applicant, St. Augustine's Church, ANC 6D, the Gangplank Slipholders Association (“GPSA”), the Sixth Street Homeowners (comprised of Leslie Randolph, Alice Wender, and William McLin), Tiber Island

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- Cooperative Homes, Harbour Square Cooperative Association, and Mr. Gene Solon. The Commission denied party status to the Seven Seas Cruising Association as not meeting the requirements under the Commission's rules.
6. At the July 23, 2012 hearing, the Applicant presented five witnesses in support of the Parcel 11 PUD: Shawn Seaman, on behalf of Hoffman-Struever Waterfront, LLC; Kwasi Holman, on behalf of the Vestry of St. Augustine's Church; Sami Kirkdil, SK&I Architectural Design Group; Michael T. Foster, MTF Architecture, Inc.; and Paul Josey, Nelson Byrd Woltz, LLC. Based upon their professional experience and qualifications, Messrs. Kirkdil and Foster were recognized as experts in architecture, and Mr. Josey as an expert in landscape design. At the July 31, 2012 hearing, Steven Bliss of Bliss Fasman, Inc. testified in support of the Parcel 11 PUD as an expert witness in lighting design.
 7. Jennifer Steingasser, Deputy Director for Development Review and Historic Preservation at OP, Matthew Jesick, Development Review Specialist at OP, and Jamie Henson of the District's Department of Transportation ("DDOT") testified in support of the Parcel 11 PUD with certain comments and conditions.
 8. At its meeting on July 30, 2012, which was duly noticed and at which a quorum was present, ANC 6D voted 4-3 to support the Application, with conditions.
 9. Richard Westbrook testified as a person in support of the Parcel 11 PUD. The Commission received letters in support for the overall PUD from the following: Congresswoman Eleanor Holmes Norton, Councilmember Tommy Wells of Ward 6, Washington Area Bicyclist Association, Ward 8 Workforce Development Council, Disabled American Veterans, Mandarin Oriental Hotel, Entertainment Cruises, D.C. Dragon Boat Club, Cultural Tourism D.C., Carl Cole, Arena Stage, Anacostia Watershed Society, American River Taxi, D.C. Students Construction Trades Foundation, Deanwood Heights Main Streets, Inc., Capitol Square at the Waterfront, Community Benefits Coordinating Council, and the Riverside Condominium Association.
 10. The following persons testified in opposition to the Parcel 11 PUD: Philip Johnson of Seven Seas Cruising Association, Howard Gasaway, Mike Corbett, Nancy Masterson, Diane Schulz, Benisse Lester, and ANC 6D Commissioner Ron McBee. The Commission received letters in opposition to the overall PUD from the following: Seven Seas Cruising Association, Potomac River Yacht Clubs Association, Quentin Borges-Silva, and Kael Anderson.
 11. At its public meeting held on September 24, 2012, the Commission requested the Applicant to submit additional information regarding bus parking in front of the church, to provide additional landscaping in the church plaza as an interim measure until the next

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Stage 2 PUD for adjacent Parcel 10 proceedings, and to explore redesigning the units along 6th Street and M Place of the Parcel 11B residential building to provide some direct entrances to the street. The Applicant submitted the requested information to the Commission on October 9, 2012. (Exhibit [“Ex.”] 238, 238A, 238B).

12. The Commission reviewed the additional materials at its meeting on November 14, 2012, and requested further restudy of the street entrances to the residential building, with the Applicant's response due by November 26, 2012. The Commission also asked for resolution from the Applicant and DDOT on loading and curbside management, particularly as it pertains to tour buses, prior to final action by the Commission. The Applicant submitted revised drawings on November 26 that shifted the building five feet to the west to create the necessary space along 6th Street to allow for walk-up residential units. (Ex. 245A.) The revisions were supported by the ANC and Mr. Solon, but were still deemed unsatisfactory to the 6th Street neighbors. (Ex. 253, 254, 255.) The Applicant also submitted additional information on its coordination with DDOT and DDOT stated its agreement with the Applicant's plan. (Ex. 246A, 246B, 247.)
13. On December 10, 2012, the Commission took proposed action to approve with conditions the Parcel 11 PUD.
14. The Parcel 11 PUD was referred to the National Capital Planning Commission (“NCPC”) for review of any impacts on the federal interest under the Comprehensive Plan. In a letter dated December 12, 2012, the NCPC Executive Director stated that at a meeting held December 12, 2012, NCPC voted to adopt an action through which it commented favorably on the portion of the Phase 1, Second Stage PUD, that included Parcels 2, 3, and 4 in addition to several open spaces; in-water development; and development of The Wharf itself. The comment did not extend to Parcel 11 because the Zoning Commission had not yet taken proposed action. (Ex. 262.)
15. The Commission took final action to approve the Parcel 11 PUD on January 14, 2013. As a preliminary matter, the Commission discussed a submission by Mr. Solon requesting the “reversal” of the proposed action taken. The submission not only discusses the merits of the Parcel 11 segment of this case, but also Parcels 3 and 4, for which his requests for party status were denied. The submission was filed on January 7, 2013, the date on which Mr. Solon was permitted to respond to the Applicant’s final response to a “Procedural Order” pertaining to the Parcel 11 segment. Paragraph 4 of that order states in part:

Any response shall be limited to the issue of whether the proposed conditions are specific and enforceable as to the proffers to which they relate.

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Rather than addressing that issue, Mr. Solon made substantive arguments further expressing his opposition to the entire Application. As such, the submission went well beyond the scope of what was authorized. As a matter of fairness to the Applicant and the other parties to this proceeding, and to maintain the integrity of its own processes, the Commission, on its own motion, struck the submission.

The PUD Project

16. The Southwest Waterfront project is a public-private partnership between the District of Columbia and Hoffman-Struever Waterfront, LLC, which entered into a land disposition agreement ("LDA") for its development. The District of Columbia, as owner of all the property in the PUD site except for Lots 83 and 814 in Square 473, the Vestry of St. Augustine's Church, the owner of Lots 83 and 814 in Square 473, and Hoffman-Struever Waterfront, LLC, the master developer selected by the District to implement the project, submitted their Application for approval of a second-stage PUD to fulfill the revitalization plan envisioned by the District to reactivate the Southwest Waterfront. The project site fronts on the Washington Channel in Southwest Washington and is generally bounded on the northwest by the Maine Avenue Fish Market and Case Bridge (part of the highways comprising the 14th Street Bridge), Maine Avenue to the northeast, Washington Channel to the southwest, and on the southeast by N Street, S.W and 6th Street, S.W.
17. Pursuant to the Stage 1 PUD approval, the entire project will include an aggregate floor area ratio ("FAR") of 3.19, which includes the private streets in the project area, or approximately 3,165,000 square feet of gross floor area. The density excluding the private streets is approximately 3.87 FAR. Proposed uses will include approximately 1,400 mixed-income and market rate residential units, with 160,000 square feet of the gross residential space set aside for households earning no more than 30% and 60% of the Washington-Arlington-Alexandria, DC-VA-MD-WV Metropolitan Statistical Area median income ("AMI"); approximately 925,000 square feet of office space; a luxury hotel with a total of 278 guest rooms, and two additional hotels with approximately 405 rooms; approximately 300,000 square feet devoted to retail uses; a minimum of 100,000 square feet devoted to cultural activities; and more than 10 acres of parks and open space on the land side. The riparian area will feature four public or public use piers, as well as approximately 80,000 square feet of maritime-related commercial, recreational, and service development.
18. This first Stage 2 PUD Application proposes the development of six buildings on four different parcels. It will also encompass the creation of new public and open spaces known as the Wharf, the Transit Pier, the District Pier, the Piazza Mews, the Avenue Mews, the Pier Mews, and Jazz Alley (collectively the "Mews"), the Yacht Club Piazza,

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the 7th Street Park, and Waterfront Park. Parcel 1 will also be improved with a temporary parking lot/event space.

19. The Parcel 11 PUD encompasses a single building consisting of a church to be located on Parcel 11A, a residential use on Parcel 11B, Waterfront Park immediately south of Parcel 11, and the surrounding public/private open spaces.

The Applicant and Development Team

20. The master developer and Applicant of the overall PUD project is Hoffman-Struever Waterfront, LLC. The Applicant is processing this Stage 2 application on behalf of the Deputy Mayor's Office for Planning and Economic Development and the Vestry of St. Augustine's Church. The Applicant's team includes the District-based Certified Local, Small, and Disadvantaged Business Enterprises of E.R. Bacon Development, Paramount Development, and Triden Development, as well as District-based and CBE-certified CityPartners.

Approved Stage 1 PUD Development Parameters

21. Under the Stage 1 PUD, the Commission approved the parameters for the development of the Southwest Waterfront, as shown on the architectural plans submitted to the record. The PUD order authorizes a landside density of 3.87 FAR, excluding private rights-of-way, with a combined gross floor area of approximately 3,165,000 square feet. Waterside uses may have a maximum potential density of 0.68 FAR, or 114,000 square feet of gross floor area. (*See* Z.C. Order No. 11-03 at p. 33 (Condition Nos. A-1 and A-2).)
22. The Commission authorized a maximum building height of 130 feet on Parcels 1 through 4 and 6 through 9, which were rezoned to the C-3-C Zone District. Construction on Parcel 5, also located in the C-3-C Zone District, may not achieve a height greater than 110 feet. The new development on Parcel 11 will consist of two segments: a church on the north portion of the site, known as Parcel 11A, and a residential use on the south portion, known as Parcel 11B. The proposed residential building on Parcel 11B, located in the R-5-B Zone District, may not exceed 45 feet in height to the roof, or an overall height of 57 feet¹, as shown on the approved drawings submitted to the record. The height of the church building on Parcel 11A may not exceed 45 feet in height (or 49 feet to the highest point of the sloped roof), consistent with the approval in Z.C. Order No. 11-03. The height of the church excludes glass parapets and bell tower, architectural and liturgical embellishments that may extend beyond the maximum roof height of 49 feet.

¹ The Stage 1 PUD referred to the top portion of the building as the occupiable penthouse, but it is actually the fifth residential floor of the building.

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The building on Parcel 10, located in the W-1 Zone District, may not exceed 60 feet in height. (*Id.* (Condition No. A-3).)

23. With respect to parking facilities for the project, the Commission authorized the construction of one or more below-grade parking structures on two to three levels that are required to provide spaces for approximately 2,100-2,650 vehicles. The PUD project is also required to provide parking or storage for 1,500-2,200 bicycles and sufficient loading facilities to accommodate the mix of uses on the site. The precise amount of parking and loading is to be determined in each Stage 2 PUD application. (*Id.*)
24. Consistent with the phased development endorsed by the Commission, the first Stage 2 PUD application filed by the Applicant encompassed Parcels 2, 3, and 4. Additionally, in order to accomplish the development needs of St. Augustine's Church, the application included Parcel 11, as well as a temporary parking lot/event space on Parcel 1. Parcel 5, which was originally contemplated as part of this first phase of development and described in the Applicant's Notice of Intent to File a PUD, was ultimately not included with this application.²

Overview of the Project Design Intent

25. The Southwest Waterfront PUD has been designed to reunite the city with the water's edge and re-enliven it with a mix of uses and year-round urban vibrancy. The concept is to bring the city's unique urban qualities of buildings with street walls and dynamic public open spaces to this area, while recalling the thriving commercial aspects of the historic working waterfront that once lined the Washington Channel. This working wharf once connected the upland city streets to the maritime edge, and was characterized by an industrial warehouse district with a focus on maritime activities.
26. As described during the approved Stage 1 PUD, the new development will provide a mix of uses to ensure an active waterfront throughout the year, day and night. The PUD has been designed as a series of "places," not projects. Each place is the integration of architecture and landscape design to create inviting and memorable public environments. There will be a variety of gathering places to cater to every interest, ranging from actively programmed places to simple promenades and parks for passive enjoyment of the water and its environs.
27. The plan for the waterside has been fully integrated with the land plan. The project will incorporate four new public use piers along the Washington Channel, allowing public-use access into the Channel for the first time. The District Pier, the largest of the piers, is

² The Stage 2 PUD application for Parcel 5 was subsequently filed on September 24, 2012, as Z.C. Case No. 11-03B and is currently under consideration by the Commission.

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intended to be the primary waterside entrance to the project and the host for the District's waterside events. A host of other tour boats, tall ships, and maritime vessels, such as water taxis, will be added to the existing recreational maritime activities to provide much more activity and many more reasons for the public to use the waterfront and engage in water sports and activities. The waterside development will extend to the limit of the federal navigational channel.

Parcel 11 Proposed Development

28. The new development on Parcel 11 will consist of two segments: a church on the north portion of the site, known as Parcel 11A, and a residential building on south portion, known as Parcel 11B. The church will consist of a total of 16,500 square feet of gross floor area and have a height of 45 feet to the average height of the sloping roof, or 49 feet to the highest portion of the sloping roof, consistent with the approval in Z.C. Order No. 11-03. The church is designed by Michael T. Foster, FAIA and Meagan Jancy, AIA, LEED, AP of the architectural firm MTF Architecture Inc.
29. The residential use on Parcel 11B will consist of a total of 109 residential units and, as originally designed, approximately 116,137 square feet of gross floor area, of which approximately 11,256 square feet of gross floor area is used for the covered garage at the ground floor level. As a result of a shift in the building by five feet to the west, described below, the projecting bays along 6th Street are now within the property line and the square footage of the building will increase modestly. The size of the building, however, has not increased. The five-story building (which was referred to in the Stage 1 PUD order as a four-story building with an occupiable penthouse) will have a maximum overall height of 57 feet to the top of the fifth floor (formerly referred to as the "occupiable penthouse").
30. Parcel 11A and Parcel 11B will be subdivided into one lot of record and consist of current Lots 83 and 814 in Square 473, as well as portions of Water Street and M Place, S.W., which were closed pursuant to D.C. Law 19-19. As originally proposed, the new record lot would have a land area of approximately 41,328 square feet. The church use on Parcel 11A and residential use on Parcel 11B will be connected by a door at the ground floor and, as such, will constitute a single building for zoning purposes ("Parcel 11 Building"). The combined gross floor area of the Parcel 11 Building will be approximately 132,637 square feet, plus the additional square footage of the projecting bays that are now within the property line.
31. The main entry to the residential building will be located at the southwest corner of the site. Parking for residents will be provided in the building's structured garage located on one level below grade and on the ground level of the building within the interior portion of the building footprint. The garage will be accessed from Water Street at the north end

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- of Parcel 11B. An outdoor courtyard will be located on the roof of the garage beginning at the second floor level.
32. The units along the street frontage will feature projecting bays with small balconies, providing some with views to the water beyond. The fifth floor will be set back from the street to allow for more spacious private patios and to provide a massing that is appropriate to the adjoining residential neighborhood. The building will be expressed in a contemporary architectural style and clad in brick, metal and glass that is complimentary and responsive to the rich modern architectural vernacular of the Southwest neighborhood.
 33. The portion of the Parcel 11 Building on Parcel 11A will become the new home for St. Augustine's Episcopal Church. The modernist design of the building takes its form from the trapezoidal shape of the building lot and responds to the curving form of the Arena Stage. In the plan, this building portion is anchored along its southern wall to the new residential building at Parcel 11B. The building plan of the church projects northward, following the angles of the lot along Maine Avenue and ending in a peak as the street transitions from an east-west orientation to a northwesterly direction at 6th Street. The church rises to a height of 45 feet to its main roof, and to 49 feet to the peak of the sloped roof. Extended glass parapets and a bell tower structure for the church will serve as architectural and liturgical embellishments and extend past the maximum height of the roof peak. Parking for congregants will be provided in the residential garage with additional spaces on the adjacent private street during Sunday services and for special events, as noted in the Loading and Curbside Management Plan (Ex. 196).
 34. The main entrance to the church is located below the glass cube at the northwest façade of the building. Meeting rooms and offices are situated on the ground floor of the church. A staircase and elevator lead to the second floor and sanctuary, with its vast expanse of glass walls. Additional function rooms are also located on the second level.
 35. Parking spaces for the church and residential building will be provided in the garage on the residential portion of the site. The garage will include approximately 93 vehicle spaces and 23 bicycle spaces, as shown on Sheets 2.8 and 2.10 in Volume IV of the drawings (Ex. 245A). Loading facilities will be provided for the Parcel 11 Building as shown on the drawings. Parking, loading and curbside management will conform with the plan submitted to the record, particularly as it relates to the church and tour bus parking, loading, and management. The Applicant seeks parking and loading relief as described below. (Ex. 196, 246A, 246B, 247.)

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Waterfront Park

36. This segment of the PUD also includes the area known as Waterfront Park, a landscaped area approximately 3.5 acres in size located across closed M Place, S.W., to the south of Parcel 11. It lies adjacent to the existing communities of Tiber Island and Harbour Square to the east, and an existing police pier for which access and parking must be maintained. The Washington Channel and a narrow band of National Park Service land serve as boundaries to the south and west. The landscaped area was designed in concert with representatives of various nearby neighborhoods as part of a series of charrettes. The resulting spatial qualities and programs provide a series of simple yet beautiful outdoor spaces for the use of the nearby communities and visitors to the waterfront. Designed specifically as a quieter green complement to the urban outdoor places within the western portions of the Wharf, the Waterfront Park protects, frames, and preserves important existing trees and views to the water and creates a buffer to adjacent established residential communities. The park celebrates the natural environment through the simple reshaping of the ground while accommodating modest forms of unprogrammed family-oriented outdoor recreation and social interaction.
37. Presently, the site of the proposed Waterfront Park is 75% paved, mostly in the form of large parking lots. The center of the park will transform this paved area into an elevated lawn panel that is shaped by three elements: an existing row of preserved willow oaks; a semicircular vine and partially covered pergola, and a series of topographic play mounds. A low interactive water basin at the front edge of the pergola, banded garden beds of colorful perennials, wildflowers and low native shrubs and a loose scattering of flowering and shade trees complete this upper park area. A series of seat walls, chairs, and tables will encourage visitors to linger within the vicinity of the fountain and the pergola. Pathways from the central lawn and pergola connect to nearby neighborhood walks, local streets and the promenade along the water's edge.
38. The lawn panel is raised and leveled above its existing grade and situated to take advantage of several framed vistas across the Washington Channel to Hains Point and south to the Potomac River. The design of plantings, pavings, seat walls, and site structures connect the park to Washington's physiogeographic and geologic origins. Sited just southeast of the fall line that separates the upland Piedmont from the Coastal Plain, the Waterfront Park makes expressive use of local materials - stone and native wetland plants - to evoke the various natural environments of this Potomac River corridor.
39. Beyond the open lawn and the play mounds that define its edges are a series of transitional terraces that integrate the park with a required access lane and turnaround for pier parking. These planted terraces, walkways, ramps, and stairs provide additional seating and viewing places, oriented toward the promenade and water's edge. Two bocce

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courts tucked between low site walls provide specific recreation opportunities. These seat walls can act as an informal amphitheater, a place for small gatherings or even people-watching along the promenade. There is also a small 800 square-foot park storage and service building positioned between the terraces and the vehicle turnaround. This pavilion-like structure will help screen views of the police pier and its parking areas.

40. The existing mature Willow Oak trees on site were identified as valuable assets by the design team and the community. The Applicant developed a protection plan for these trees. (Ex. 194C.)
41. Stormwater drainage from the access road, adjacent roadways and lawns collects into a series of rain gardens throughout the park, managing the stormwater as close to the source as possible to restore natural hydrological patterns. At the most critical collection points, gardens with structured weirs, spillways and boardwalks dramatically reveal the seasonal change of water flow, providing for both native insect and animal habitat and focal points for nearby sitting areas.
42. As initially filed, the Waterfront Park excluded a rectangular section under the jurisdiction of the National Park Service and home to the Maine Lobsterman statue. Pursuant to Public Law 112-143 enacted July 9, 2012 (126 STAT. 990), jurisdiction over this land was transferred to the District of Columbia, allowing it to be included in the Waterfront Park. The legislation also transferred jurisdiction to the District of Columbia of portions of the park at the southern boundary, allowing for a more regular delineation. The revised configuration of the park is shown in the final drawings known as Volume IV and dated August 21, 2012. (Ex. 205A.) The Maine Lobsterman statue will be maintained and incorporated into the project as one of its design features.

Private Rights of Way and Open Spaces

43. M Place, S.W., and Water Street, S.W., will be closed pursuant to the street closing legislation enacted by the District of Columbia Council in D.C. Law 19-19. These former streets would nevertheless be maintained as private rights-of-way for use by the public. M Place and Water Street would accommodate two-way auto traffic. The private streets would consist of two travel lanes. M Place will also provide one parallel parking lane along Waterfront Park, and Water Street will provide two parallel parking lanes on either side of the street. Water Street has been purposely narrowed to become more residential in character and to dissuade large commercial buses from entering the south end of the site or Waterfront Park. Signage will be installed to prohibit bus traffic on M Place, 6th Street, and Water Street.
44. The area in front of the church will include an open plaza. The final design of the plaza will be coordinated with M Street Landing, which would be the subject of a future second

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stage PUD. Prior to those improvements, the plaza will be treated with scored 2x2 and 4x4 concrete, as shown on Sheet 1.9 of Volume IV of the drawings dated August 21, 2012. (Ex. 207A.) Temporary landscaping will also be provided for this area. (Ex. 238B.)

Sustainable (LEED) Development

45. The Applicant has developed guidelines to ensure that the vertical development of this Stage 2 Application has been designed in accordance with LEED-ND Gold objectives, in order to meet individual certification requirements and to comply with the overall larger framework of LEED-ND criteria. (See Z.C. Order No. 11-03, at p. 36 (Condition No. B-7).) With the exception of the church portion of the Parcel 11 building on Parcel 11, each new building or vertical development component will achieve a LEED-NC (new construction) or LEED-CS (core and shell) Silver rating or higher. With the exception of the church portion of the Parcel 11 building, each building has also been designed to meet the LEED stormwater requirements for both quality and quantity in conformance with the certification process sought for each building.
46. The LDA between Hoffman-Madison and DMPED requires the project to incorporate sustainable design criteria and pursue LEED 2009 for Neighborhood Development (LEED ND) certification by the Green Building Certification Institute (“GBCI”) at the Gold level or higher. LEED certification at the target level requires compliance with and documentation of all prerequisites and between 60 and 79 points.
47. In keeping with the approved Stage 1 PUD and the LDA, the overall project is designed and developed in its entirety to meet the requirements of the D.C. Green Building Act of 2006 that came into effect March 8, 2007. All individual buildings within the project, with the exception of St. Augustine’s Church on Parcel 11, will pursue LEED certification with the GBCI at the Silver level or higher in compliance with the appropriate individual building certification system, New Construction (NC), Core & Shell (CS) or Commercial Interiors (CI).
48. Sustainable strategies include creating pedestrian-friendly streets by limiting speeds and the design of the streetscape; creating civic, public use spaces, and basic services that are accessible on foot, green roofs, and energy efficiency at the macro level.
49. The project incorporates progressive strategies to address the management and treatment of the large volumes of stormwater generated on site. This is being done through the use of extensive Low Impact Development zones along Maine Avenue and the Wharf, and within the 7th Street Park and Waterfront Park and through the construction of a monumental stormwater reuse cistern. The monumental cistern will collect up to the 3.2-inch storm event from the main parcel/Wharf area as required by the Anacostia

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Waterfront Development Zone stormwater regulations and will reuse it for on-site uses such as condenser water makeup (primarily through the makeup requirement for the combined Cooling and Heating Plant). This stormwater reuse program treats stormwater as a resource instead of a liability, will be one of the most progressive in the nation, and will help to improve the health of the Potomac River Watershed and the overall Chesapeake Bay. Additionally, all individual buildings within the project, with the exception of the portion of the Parcel 11 building housing the St. Augustine's Church, will meet or exceed the LEED NC & ND stormwater credits as appropriate to the rating system under which that certification is being sought. Individual buildings will also perform periodic water quality testing on the generated stormwater runoff from the site.

Project Association

50. The Applicant will create and manage a project association for the PUD that will be responsible for maintenance and improvements of the private roadways, alleys, bicycle paths, promenade, sidewalks, piers, parks, and signage, within the PUD boundaries ("Project Association"). The Applicant will manage and operate the Project Association during the "developer control period," as defined in the Applicant's Declaration of Covenants with the District of Columbia. The developer control period begins upon the effective date of the Declaration of Covenants and ends five years after issuance or deemed issuance of the last certificate of completion for all portions of the PUD site and unit certificates of completion for each residential condominium unit. The project association will fund maintenance and programming elements of the project's common elements through a Common Area Maintenance ("CAM") assessment charge to each development component within the PUD. Additionally, the Project Association will be responsible for programming and staging events within the PUD.

Certified Business Enterprises

51. The Applicant has entered into a Certified Business Enterprise ("CBE") Agreement, with the D.C. Department of Small and Local Business Development ("DSLBD") in order to achieve, at a minimum, 35% participation by certified business enterprises in the contracted development costs for the design, development, construction, maintenance, and security for the project to be created as a result of the PUD.
52. In addition to the CBE requirement, the Applicant has committed that 20% of the retail space will be set aside for "unique" and/or "local" businesses, which will include CBEs. As defined under the LDA, a "local" business is a retailer that is either a CBE or a retailer headquartered in the District of Columbia. A "unique" business is a retailer owning or operating fewer than eight retail outlets in the aggregate at the time such retailer enters into a retail lease at the PUD (inclusive of such retail outlet at the PUD). The Applicant will work collaboratively with business and community organizations throughout the

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District to identify and, where possible, mentor potential small restaurateurs and retailers to help them lease and successfully operate these retail spaces. The Applicant will also have kiosks along the promenades, and in parks and other public spaces, where even smaller local businesses can try out their retail concepts on a low-risk basis; those kiosk operators who are successful may have the opportunity to move indoors, into one of the spaces reserved for unique and local business enterprises, thereby growing their business.

First Source Employment Opportunity

53. The Applicant has also executed a First Source Employment Agreement with the Department of Employment Services to achieve the goal of utilizing District residents for at least 51% of the new jobs created by the PUD project. (Ex. 209.) Prior to issuance of a building permit for any construction of Parcel 11 or the Waterfront Park, the Applicant shall complete the Construction Employment Plan (referred to during the hearing as "page 11") of the First Source Employment Agreement outlining the hiring plan for the project. The Applicant shall meet the First Source Employment Agreement requirement that 20% of new jobs will be filled by Ward 8 residents, and that good faith diligent efforts will be made to hire residents of Southwest Washington. Thirty percent of apprenticeship opportunities will be filled by residents residing East of the Anacostia River. The Applicant and the contractor, once selected, shall use best efforts to coordinate apprenticeship opportunities with construction trades organizations, the D.C. Students Construction Trades Foundation, which is an affiliate of the Academy of Construction and Design at Cardozo, and other training and job placement organizations to maximize participation by District residents in Phases of the PUD construction.

Workforce Intermediary Program

54. Consistent with the Stage 1 PUD approval, the Applicant has committed to contributing \$1 million to the District's Workforce Intermediary Program. At the time of the Stage 1 PUD approval, the Applicant had already paid \$250,000 of that commitment. The Applicant will fund the remaining \$750,000 as part of this Stage 2 PUD.

Development Incentives and Flexibility

55. *Lot Occupancy:* The Applicant seeks flexibility from the lot occupancy requirements for the R-5-B Zone District for the proposed development on Parcel 11. Whereas the R-5-B Zone District permits a maximum lot occupancy of 60%, the Applicant seeks a total lot occupancy of approximately 86% for the single building, as calculated from the two zoning tabulations sheets for the church and the residential in the final drawings submitted to the record. (Ex. 207A.) The increased lot occupancy is in part due to the covered parking structure that is partially below grade and partially above grade. The lot occupancy of the ground floor is approximately 56% when using only the residential

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ground-floor coverage and excluding the parking area. In addition, the overall lot occupancy of the landside of the entire PUD site is only 47%. Consistent with the Commission's finding in the Stage 1 application, the Commission finds that the increased lot coverage on Parcel 11 is designed principally to accommodate parking on the ground floor rather than increased living spaces. Further, the increased density here is counterbalanced by open spaces spread throughout the project, including the significant open spaces at Waterfront Park immediately to the south. Thus, the Commission finds the increased lot occupancy appropriate in this instance.

56. Roof structure setbacks: Pursuant to § 411 of the Zoning Regulations, all penthouse roof structures are required to be setback one foot from the exterior walls of the building for each foot of vertical height of the penthouse. Here, the Applicant is proposing a penthouse height of 12 feet, thereby requiring a setback from the roof edge of 12 feet. Here, the penthouse complies with the setback requirements for the street frontages of the building but seeks relief from the requirements along the interior courtyard walls. The Commission finds the relief can be granted because the reduced setbacks will not affect the light and air of units at the interior courtyard.
57. Rear Yard: The OP report indicated that it was unclear as to whether the Applicant needed relief from the rear yard requirements for Parcel 11. Based on the height of the building, a rear yard depth of 19 feet is required. The front of the building is located on Maine Avenue and the rear of the building is located to the south facing M Place, S.W. M Place is currently a public right-of-way with a width of 60 feet. Pursuant to D.C. Law 19-19, the Council enacted legislation to close M Place, which will be effectuated upon the recordation of the street closing plat. Upon closure, the north 30 feet of the right-of-way will revert to the Parcel 11 property owner, St. Augustine's Church. This 30-foot street will serve as the rear yard to the building and exceeds the minimum depth requirements by approximately 11 feet. Consequently, no relief from this provision is necessary.³
58. Parking: The parking requirement for the church is 15 spaces. The residential portion of the building, with 109 units, would require 55 parking spaces. The total number of spaces provided in the garage is 93 spaces, of which seven would be dedicated for church use. The Applicant therefore requests a waiver to provide less than the required number of spaces for the church. More than 40% of the parking spaces would be compact size (eight feet by 16 feet) and thus relief is also needed from § 2155.5 of the zoning regulations, which sets a 40% cap for the number of compact spaces.

³ Until the street is closed, the project similarly meets the rear yard requirements pursuant to § 774.11 because the site is a corner lot presently fronting on three streets.

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59. *Loading:* The church use on Parcel 11A generates a requirement for one 30-foot berth, one 100-square foot platform, and one delivery space. The residential use on Parcel 11B generates a requirement for one 55-foot berth, one 200-foot platform, and one delivery space. The Applicant seeks relief from these requirements to provide one delivery space in the interior of the ground floor of the residential building. The Applicant submitted a Curbside Loading and Management Plan that describes how loading activities will be accommodated. (Ex. 196.)
60. *Number of Residential Units:* The Applicant requested flexibility to provide a range in the number of residential units on Parcel 11B of plus or minus 10% from the number depicted on the plans. OP suggested that a smaller variation would result in more certainty about the potential benefits and impacts of residential uses. Nevertheless, the Commission finds that 10% deviation requested is consistent with other PUDs, most recently for the project in Z.C. Order No. 11-12 (providing a range of 153-189 residential units). Consequently, the Commission finds the 10% deviation requested by the Applicant appropriate in this case, as well.
61. *Inclusionary Zoning:* Parcel 11B is subject to Inclusionary Zoning (“IZ”) requirements as it was not part of the Land Disposition Agreement with the District and was not exempted from IZ. The Applicant had requested a waiver from the IZ requirements for this portion of the PUD. Section 2603.2 of the Zoning Regulations requires the Applicant to devote the greater of eight percent of the gross floor area dedicated to residential use (10% if wood-frame construction) or 50% of the bonus density utilized for IZ units. In this case, the PUD has a gross residential floor area of approximately 104,872 square feet, generating a requirement for 8,390 square feet of gross floor area (eight percent) for IZ units, or 10,487 square feet of gross floor area (10%) for wood frame construction.⁴ Half of the IZ units would be set aside for households earning up to 50% of the Area Median Income (“AMI”) and the other half set aside for households earning up to 80% of AMI.
62. Based on the analysis provided by OP, the Commission finds that the waiver is not warranted in this instance. OP noted that the Applicant's materials indicated that the control price for the workforce units is significantly higher than other units in the neighborhood. OP questioned the marketability of the units and the realistic willingness of households to purchase more expensive units with price controls when they could purchase a unit in the neighborhood for a lesser amount with no price controls. Because the IZ program provides greater assurances and controls on the sale of units, the Commission finds that the IZ program is most appropriately applied to the residential

⁴ As noted previously, the actual square footage of the residential building will be slightly higher due to the inclusion of the projecting bays, which now fall within the property line, into the FAR calculations.

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development on Parcel 11, consistent with Sheet 4.8 of Volume 0 of the drawings (Ex. 200A.)

63. No other zoning relief was requested or granted.

Office of Planning Report

64. By report dated July 13, 2012, the OP recommended approval of the PUD for the church building on Parcel 11A, the residential building on Parcel 11B, Waterfront Park, and M Place. OP also supported the design direction for Water Street and the plaza in front of the church, but requested additional information on materials, layout, and function of those components before a final recommendation could be made. The Applicant provided the information at the hearings on this matter, which is reflected in this order. OP also filed a supplemental report on the IZ requirement for Parcel 11B, as noted above.

DDOT Report

65. DDOT submitted a memorandum, dated June 18, 2012, in support of the PUD, with several recommendations. (Ex. 33.) DDOT concluded that, after an extensive multi-administration review, that any adverse effects of the Phase I development can be mitigated, and that the Applicant had adequately documented the most likely extent of those impacts. DDOT also noted, however, that there are significant needs to be addressed in the local and regional transportation system to handle the pedestrian, transit, and vehicular traffic generated by the development, most of which the Applicant documented and addressed through their statement. DDOT also expressed concerns that the transportation scenario assessed in the transportation impact statement is not definite, and, in particular, relies on aggressive but achievable non-automobile travel. Therefore, DDOT recommended that an enforceable monitoring program for Transportation Demand Management ("TDM") be implemented to mitigate future impacts, should they arise.
66. With respect to specific issues related to the Parcel 11 PUD, DDOT recommended that the Applicant provide tour bus parking related to the dinner cruise boats at specified points along Maine Avenue on an interim basis and provide permanent drop-off and pick-up locations within PUD property and not on public streets.
67. In response to DDOT's comments, the Applicant submitted to the record a TDM Monitoring Plan and a Curbside Loading and Management Plan. (Ex. 196). The TDM Monitoring Plan sets forth when monitoring would occur, what would be measured and the frequency of the monitoring. As initially contemplated, the monitoring would cease after two continuous cycles pass the main test and after five total cycles have been completed. With respect to tour bus traffic for the dinner cruise ships, the Applicant

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- would establish a curbside loading area for charter buses along Maine Avenue in order to eliminate adverse impacts on adjacent residential properties. The traffic route would not allow buses to enter the Wharf, or circulate through the newly constructed Waterfront Park or along the residential streets of 6th Street, S.W., M Place, S.W., or Water Street, S.W. A separate loading zone area for charter buses serving tour boat operations at the Entertainment Cruises pier will be provided along Maine Avenue just west of Parcel 11 and Water Street.
68. The proposed tour boat loading zone will be located within the permanent parking lane of Maine Avenue, stretching westward from 6th Street. Entertainment Cruises would alter their bus loading/unloading operations in order to minimize the peak loading demand. In order to serve the anticipated charter bus loading/unloading demand without causing adverse impacts to the residential communities along 6th Street, the Curbside Management Plan proposes that four short-term charter bus loading/unloading spaces be provided year-round along Maine Avenue close to the Entertainment Cruises pier. These spaces would be reserved for bus loading/unloading only from 7:30a.m.-11:00p.m. Monday-Sunday. An additional four spaces would be designated for charter bus loading and unloading operations between March 15 and June 15 to handle the yearly surge in demand. The Applicant would institute a monitoring plan to make adjustments as necessary.
69. Based on additional concerns raised by the Commission at its meeting on November 14, 2012, the Applicant and DDOT further refined the monitoring plan and the curbside management of buses serving tour boat operators. (Ex. 246A and 246B.) With respect to the monitoring plan, DDOT agreed to the Applicant's proposal to create a primary monitoring plan to review site-generated trips, which is the focus of the TDM monitoring, and a secondary monitoring plan that reviews event management and curbside operations. The secondary monitoring plan would observe and adjust operational aspects of the site. The purpose would be to ensure that the site is operating well and not negatively affecting public space, rather than determining how the PUD affects travel on adjacent streets. The elements of each monitoring plan are set forth in detail in Exhibit 246B.
70. With respect to the curbside management, the Applicant would proceed with the interim curbside management of charter buses serving tour boats adjacent to Parcels 7, 8, 9, and 11. (Ex. 196). The Applicant and DDOT would then develop a permanent plan prior to either: (i) the Applicant commencing the Stage 2 PUD process for the phase of the project including the interim bus loading area, or (ii) DDOT commencing corridor changes to Maine Avenue that could involve reconfiguration of the roadway. (Ex. 246A.)

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71. Based on the Loading and Curbside Management Plan, the Commission finds that Applicant has adequately addressed the Commission's concerns. (Ex. 196, 246A, 246B.) The management plan and monitoring plans, as developed in coordination with DDOT, will ensure that any adverse impacts can be detected, monitored and addressed quickly and efficiently. The traffic and transportation concerns affecting the Parcel 11 PUD raised by the ANC and the Sixth Street Homeowners, discussed below, are fully addressed and can adequately be mitigated by the monitoring and management plans.

ANC Report

72. On June 19, 2012, ANC 6D submitted its initial resolution to the record in opposition to the Application based on insufficient time to review materials provided by the Applicant. The ANC was concerned about issues raised by the GPSA; the relation of the project to the North; changes that might occur to the project as a result of USACE review and pending legislation affecting the Washington Channel; traffic; and concerns relating to Kastles Stadium, Parcel 11 and the Waterfront Park.
73. On August 21, 2012, ANC 6D submitted a second resolution to the record rescinding its June 19 resolution and supporting the Stage 2 PUD, with conditions. The ANC requested the Commission to review the materials the Applicant submitted to the record in response to the ANC. (Ex. 171-71CC2.) The ANC commented on the progress that had been made among GPSA, the Applicant, and the Deputy Mayor's Office for Planning and Economic Development in reaching an agreement on the successful continuation and accommodation of the live-aboard community. The ANC continued to express dissatisfaction with DDOT's analysis of the project because DDOT has not yet concluded its M Street SE/SW Transportation Plan. The ANC was also dissatisfied with DDOT's planning for the Circulator bus for Southwest Waterfront, given the apparent demise of the streetcar in this location.
74. The ANC was pleased with the Applicant's First Source Employment and Certified Business Enterprise agreements, but requested assurances that the Applicant would comply with the terms of those agreements and institute the apprenticeship program also required under the LDA and PUD.
75. With respect the Parcel 11 PUD, the ANC was still concerned with the tour bus parking arrangement shown in the Loading and Curbside Management Plan, which indicated that buses would park on M Street in front of St. Augustine's Church. The Commission notes, however, that these spaces are designated only for high demand periods and could only be used by obtaining a short-term public space permit if the cruise ship operator is given adequate lead time to reserve the space. In all other respects, the bus traffic has been removed or is not permitted to travel on residential streets. The ANC's concerns

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- were further addressed in the supplemental monitoring and management plans. (Ex. 196, 246A, 246B.)
76. The ANC also expressed reservations on the adequacy of the parking for St. Augustine's Church. At the hearing, the representative of the church clearly stated that only seven spaces were needed for the congregation, and that the pick-up/drop off point at the Water Street area would serve be able to serve the needs of church members needing assistance, and other loading/delivery activities. This loading area would be permanently reserved for church use. Additionally, eight street spaces along Water Street would also be reserved for the church during services. The Applicant would have control over this element because the street would be part of the private development.
77. With regard to weddings, funerals or other community gatherings that utilize the church space, the Applicant stated in its submission to the record that public metered parking will still be available along Water Street during Phase 1 and 2 of the Project, and once Phase 3 is completed, an approximately 1,000-space garage will be located directly adjacent to the church below Parcel 9 and 10. (Ex. 175.) The Applicant further noted that should community gatherings be scheduled for Mondays, St. Augustine's has indicated that Arena Stage is amenable to allowing church-related parking within their garage.
78. The Commission finds that the parking and loading issues for the church have been fully addressed and that the plan will meet the needs of both the church and the surrounding residential community. Adequate contingency plans are in place to accommodate surges in demand for both the tour bus parking and the church parking.
79. The ANC continued to express reservations about the size of the Parcel 11 residential building, believing it occupies too much of its land area. The ANC expressed regret that the entrances along 6th Street had been eliminated from the design. The ANC recommended that the lot occupancy be decreased and that a more appropriate setback along 6th Street be encouraged along with unit entrances on that block to mirror the townhouses across the street. In its written submissions to the record, the Applicant explained that the elimination of the street entrances was due to the reconfiguration of the plans for 6th Street and the desire to maintain its two-way traffic pattern. In the Stage 1 PUD, 6th Street was to be narrowed to dissuade bus traffic. However, when it became clear that the proposed changes to roadway width were unacceptable to the community, the Applicant changed the plan to accommodate two-way traffic and parking on either side. In so doing, the roadway was narrowed by only approximately two feet, which would not allow enough space to accommodate walk-in units from the street.
80. While recognizing these challenges facing the Applicant, the Commission nevertheless requested the Applicant to explore the possibility of re-introducing entrances along 6th Street. The Applicant submitted revised plans dated October 9, 2011 with entrances to

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the lower-level units, but the Commission found this solution inadequate and asked for further study. (Ex. 238B.) On November 26, 2012, the Applicant submitted a revised proposal that restored walk-up entrances to the street level units in a manner more in keeping with the Stage 1 PUD. (Ex. 245A.) The Applicant was able to achieve this by shifting the entire building five feet to the west and narrowing the width of Water Street, a private right-of-way within the PUD boundaries, to 32 feet. According to the Applicant's expert traffic engineer, this width meets Institute of Transportation Engineers ("ITE") guidance of 32 to 34 feet as an appropriate width for two-way, low-volume roadways. The traffic engineer noted that many local District streets fall within this category of two-way traffic and parking on both sides, with a total carriageway of 32 to 34 feet, and thus is adequate in this location, as well. (Ex. 245B.)

81. Both the ANC and Mr. Solon supported this design solution. The ANC "applauded" the new elevations as creating a more pedestrian-friendly environment and more "breathing room" for the neighbors living directly across 6th Street. (Ex. 254.) Similarly, Mr. Solon stated that, while he still had concerns with the size of the Parcel 11, as discussed below, the slight westward relocation of the Parcel 11 building and the newly depicted stairways to the above-grade residential units were welcome changes. The Sixth Street Neighbors, on the other hand, could not endorse the revision because it failed to address what they believed was the excessive size of the building.
82. The Commission concurs with the views of the ANC and Mr. Solon and finds that the revised design more than satisfies the Commission's concerns. It adroitly solves what was an otherwise difficult design challenge by simply shifting the building five feet to accommodate walk-up units. This modest change, which is consistent with the minor flexibility delegated to the Zoning Administrator under § 2409.6 of the regulations, moves the bay windows entirely within the property line, as opposed to traditional residential bays that project into public space. This setback will allow room enough for direct connection to the second-floor units on the 6th Street side of the building in a more architecturally sympathetic manner. At the same time, the revised scheme maintains a generous sidewalk and planting zone within the 6th Street right-of-way, which further enhances the residential quality of this block and is responsive to the concerns raised by the Sixth Street Neighbors.
83. The Commission further notes that the height of the building has not increased from the Stage 1 PUD order. With respect to lot occupancy and FAR, the computations have been further refined and reflect the new proposed lot configuration as well as the proposed five-foot building shift. As originally contemplated under the Stage 1 PUD, the building (combined church and residential) was to have a lot occupancy of 73%, which was based on a proposed lot area of 56,941 square feet. (See Sheet 2.2 in Ex. 26A, Z.C. Case No. 11-03 (Stage 1 PUD).) The building footprint would have covered 41,567 square feet of land. The current drawings indicate that the building will occupy 86% of the new lot,

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which has a land area of 42,438 square feet, and a building footprint of 36,497 square feet. That is, the overall footprint of the building has been *reduced* since the Stage 1 PUD approval, but because the lot size was also diminished, the lot occupancy increased. While 86% lot coverage exceeds the limits of the R-5-B Zone District, as well as the Stage 1 PUD approval, the fact remains that the building footprint is *smaller* and much of the additional lot occupancy is attributable to the covered parking area on the ground floor of the residential building. The Applicant could comply with the lot occupancy limitation by simply removing the roof over the parking lot and enlarging the size of the lot but the Commission finds this would result in a negative effect on the development and serve no purpose for the community at large, as the covered parking area is located on the interior of the lot and building. Consequently, the request waiver from the lot occupancy limitation is appropriate.

84. The ANC raised other issues with respect to the Stage 2 PUD, which are addressed in the orders pertaining to those particular segments of the development.
85. The Commission accords great weight to the views of the ANC and finds that the Applicant has responded appropriately to each issue raised.

Other Required Governmental Approvals

86. The U.S. Commission of Fine Arts (“CFA”) has reviewed the conceptual plans for the Parcel 11 PUD pursuant to its authority under the Shipstead-Luce Act. CFA recommended concept approval of the Parcel 11 PUD.

Gangplank Slipholders Association

87. GPSA testified at the hearing as a party in opposition to the Parcel 11 PUD. GPSA stated that it was still coordinating with OP and the Applicant regarding protections for the live-aboard community. After the conclusion of the last hearing on July 31, 2012, the Applicant and GPSA reached an agreement that resolved all outstanding issues between the parties. That agreement was submitted to the record as Exhibit 235C. The issues raised by GPSA have been fully resolved and are addressed in greater detail in the companion Zoning Commission order for the Parcel 2 PUD. (See Z.C. Order No. 11-03A(1) (Overall Plan Elements).)

Sixth Street Homeowners

88. The Sixth Street Homeowners, four residents in the Tiber Island Condominium that represents the townhouses of Tiber Island, raised several concerns regarding the proposed PUD. First, they objected to the height and massing of the building on Parcel 11 as too large and too tall, particularly when compared to the parameters approved under the

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Stage 1 PUD. The lot occupancy, according to the Sixth Street Homeowners, was excessive at almost 93% for the residential building and had increased significantly over the Stage 1 PUD parameters. They indicated that they would lose their views across Parcel 11 to the water and that their light and air would be significantly diminished. The Sixth Street Homeowners further stated that the Tiber Island residents would suffer unique and severe adverse effects, particularly in light of the unique design of Tiber Island, an historic landmark, which was intended to maximize light and air and water views. They argued that they would suffer the visual impact of facing a wall, increased night time light, and diminished breezes they once had under the river's microclimate and overall that their quality of life would be severely compromised. The Sixth Street Homeowners also contested the legitimacy of including Parcel 11 in the PUD when those properties were purported never part of the original PUD or the LDA for the redevelopment of the Southwest Waterfront. They questioned whether the Council had closed part of 6th Street and claimed that M Place is really just a continuation of 6th Street. They opposed the granting of any relief from the rear yard requirements for the Parcel 11 development because of the negative effect it would have on the light and air of their properties. The Sixth Street Homeowners argued that the Applicant should not be allowed to place occupied penthouse units on the top level of the 6th Street side of Parcel 11B. They also recommended that the brick color used on the building be lightened so as to diminish the impact of the volume of the building. Finally, the Sixth Street Homeowners indicated that the any older growth trees that abutted the curb line should be preserved.

89. The Commission finds that the majority of the issues raised by the Sixth Street Homeowners were already decided by the Commission in the Stage 1 PUD (Z.C. Order No. 11-03) in Finding of Fact Nos. 90-94. There, the Commission found that the viewsheds of the Tiber Island homeowners are not protected by any restrictive covenants or by the Zoning Regulations. The Commission found that the PUD had nevertheless been designed in such a way as to minimize the effects of the development on the adjacent residential community through appropriate setbacks and height limits. The Commission found that the proposed buildings on Parcel 11 successfully accommodated the competing interests of moderate-density development against the need to provide an appropriate transition to existing stable neighborhoods. The Commission need not revisit issues that have already been decided.
90. The Applicant's proposed height for the residential building under this Stage 2 PUD is also in full accordance with the Stage 1 PUD. In Condition A.3, the Commission explicitly approved a height of 45 feet, or an overall height of 57 feet with an occupied penthouse. Under this Stage 2 PUD application, sheets 2.16 and 2.17 of Volume IV of the drawings (Ex. 207A, 245A) show a height of 45 feet to the roof (59.5 feet minus elevation height of 14.5 feet) and an overall height as 57 feet (71.5 feet minus elevation height of 14.5 feet). The Sixth Street Neighbors have no issue here.

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91. With respect to lot occupancy, the Commission found in Finding of Fact No. 47 of the Stage 1 PUD order that the Applicant's request for flexibility to allow 73% lot coverage for Parcel 11 was appropriate. Here, under this Stage 2 PUD, the Parcel 11 building (the church and the residential building) will increase to 86% lot coverage, a figure that can be extrapolated from the calculations provided on Sheet 1.14 of Vol. 0 of the drawings. (Ex. 200A.) While this exceeds the parameters of the Stage 1 PUD, the Commission nevertheless finds it suitable under the circumstances. As noted above, the excess lot coverage is in part a function of the ground level parking area in the center of the building, which is covered. At the second level, much of this covered area forms an outdoor green space/courtyard for use by the residents. The Applicant could reduce the lot coverage by uncovering the parking area. Yet this would have the negative consequence of eliminating open green space for residents of the building. Alternatively, the Applicant could increase the record lot area by moving the boundaries into the private rights-of-way, and creating an easement over the record lot to maintain the vehicular/pedestrian access on Water Street and M Place as designed. The Commission finds this an unnecessary exercise in zoning technicalities in light of the protections and benefits afforded under the PUD process, including the provision of exceptional open spaces and public parks, most notably Waterfront Park. This 3.5 acre, beautifully designed park is located immediately south of the residential building and diagonally across from the Sixth Street Neighbors residences. Significantly, the higher lot occupancy has no effect on the Sixth Street Neighbors. If the Applicant were to reduce the lot occupancy to 60%, the building's interior courtyard area might increase or the lot area might simply get larger. Neither would change the height nor street elevations of the residential building, nor otherwise affect how the Sixth Street Neighbors experience the building. The Commission notes that lot occupancy limitations are in place to protect the light and air of the individual lot, not necessarily an adjoining lot. Here, the Sixth Street Neighbors do not even abut Parcel 11, but are separated by a 38-foot cartway, plus sidewalks and planting strips with street trees on either side, which allow for additional light and air at their own properties.
92. Consistent with its authority under § 2405.3 of the regulations, the Commission finds that relief from the lot occupancy restrictions requested by the Applicant is warranted in this instance and can be granted without negatively affecting the light and air of residents of the building or adjoining property owners. The Commission finds that the proposed 86% lot coverage on Parcel 11 is counterbalanced by open spaces spread throughout the project and by Waterfront Park, in particular, which is located immediately to the south of Parcel 11.
93. The Sixth Street Neighbors raised similar concerns about the proposed FAR for Parcel 11, claiming it to be excessive given the 1.8 FAR limitation in the R-5-B Zone District. While the record does not provide an exact calculation of FAR for Parcel 11 specifically

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as a result of the five-foot building shift, the gross floor area of the building suggest an overall FAR of approximately 3.15. This comports with the PUD standards of § 2405.2, which permits 3.0 FAR in the R-5-B Zone District, and which can be increased by five percent, or to 3.15 FAR, pursuant to § 2405.3. That section allows the five percent increase if the Commission finds it is necessary for the successful functioning of the project and is consistent with the purpose and evaluation standards of chapter 24. Here, the Applicant has maintained the overall height from the Stage 1 PUD approval but had to shift the building five feet to the west to accommodate the walk-up units along 6th Street in response to the Commission's and neighbors concerns. As a result, however, the projecting bays that were once not counted toward density must now be included. Given the one-week turn-around time the Applicant had to solve the issue of the 6th Street elevation, updated zoning calculations were not included with the submission. Nevertheless, the Commission finds the shift in the building to be essential to the functioning of the project and any resulting increase in FAR up to the permitted 3.15 FAR under § 2405.3 is warranted and is consistent with the purpose and evaluation standards of chapter 24, as described in this order. Parcel 11 is but one component of the Southwest Waterfront PUD and the record indicates that the overall density for this Stage 2 PUD is 2.71 FAR, or 2.92 FAR excluding the roadways. This is fully consistent with the Stage 1 PUD approval for an overall maximum density of 3.19 FAR, or 3.87 FAR excluding the private rights-of-way.

94. With respect to the charge that the proposed building envelope exceeds what was previously approved, the Commission is satisfied that the design comports with the height and massing approved in the Stage 1 PUD. The exhibit prepared by the Applicant, which superimposes the previous design on the current design, fully demonstrates that the revised design falls within the parameters of the Stage 1 approval.
95. The Commission also finds that the Applicant has satisfied the Sixth Street Homeowners' concerns with respect brick color by a commitment to use a lighter brick color. The rear yard issue has also been fully addressed by the Commission elsewhere in this Order. With respect to trees, the Applicant has developed a tree preservation program for the Willow Oak trees and made a commitment to save other trees, where feasible. (Ex. 194C.)
96. Finally, with respect to the street closing and scope of the original PUD, the Commission finds that the Sixth Street Homeowners' statements are factually incorrect. Whether or not the Parcel 11 properties were part of the LDA has no bearing on the scope of a PUD application. The Vestry of St. Augustine's properly submitted applications for their property to be considered as part of this PUD and the Commission properly accepted them as meeting the requirements of the PUD regulations and filing requirements. Based on D.C. Law 19-19, the Commission also finds that M Place and 6th Street are separate public streets that have been closed by the District of Columbia Council. Those

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closures will be effective upon the recordation of the street closing plat with the Office of the Surveyor.

Tiber Island Cooperative Homes, Inc.

97. Although registered as a party in support of the PUD, Tiber Island Cooperative Homes, Inc. ("Tiber Island"), raised several concerns about the PUD. First, they believed that DDOT should undertake an independent traffic study of the M Street SW/SE corridor. This issue, however, is not specific to the development of the church and residential building on Parcel 11 or the Waterfront Park. It is more appropriately addressed in the companion order for Z.C. Case No. 11-03A(1), which encompasses the Overall Plan Elements of this Stage 2 PUD, including traffic and transportation issues. Similarly, Tiber Island expressed concerns regarding the height, density and design of the buildings on Parcels 2 and 3. Those issues are likewise addressed in the companion Zoning Commission orders for the Parcels 2 and 3 PUDs. (See Z.C. Order Nos. 11-03A(1) and 11-03A(2).)
98. Tiber Island also echoed the concerns raised by the Sixth Street Neighbors regarding the overall height and design of the apartment building on Parcel 11. Those issues are resolved above. Finally, Tiber Island took issue with the proposed expansion of Pier 4 and its commercial uses. Because Pier 4 has not yet been submitted as part of any Stage 2 PUD application, there is no evidence in the record to describe its proposed parameters and thus there is no basis for the Commission to address it. It falls beyond the scope of this Stage 2 PUD.

Harbour Square Owners

99. Harbour Square Owners also expressed concerns regarding the adequacy of the traffic study, claiming that the events hall use on Parcel 2 will strain the roadway network adjacent to the PUD. The Commission again finds that those concerns are beyond the scope of the Parcel 11 PUD and are more appropriately addressed in the companion Zoning Commission order for the Overall Plan Elements and Parcel 2 PUD (See Z.C. Order No. 11-03A(1) (Overall Plan Elements)).

Mr. Gene Solon

100. Mr. Gene Solon, a resident of Harbour Square, testified in opposition to the Parcel 11 PUD because the new development would block his unique rooftop views of the Washington Channel and Fourth of July fireworks specifically. As with the Sixth Street Homeowners' claims, the Commission likewise finds that the Zoning Regulations or restrictive covenants do not protect Mr. Solon's viewsheds.

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101. Mr. Solon also argued that the public law authorizing the narrowing of the Washington Channel does not address proposed pier length, elongated evacuation “staging areas,” the relationship between vessel and water body dimensions; and roadway and waterway congestion and safety. As these issues do not pertain to the landside development of Parcel 11, Waterfront Park and related open spaces, the Commission finds it unnecessary to address them in this Order.

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.)
2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, FAR, 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.
3. Development of the property included in this application carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned developments, which will offer a project with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
4. The PUD meets the minimum area requirements of § 2401.1 of the Zoning Regulations.
5. The PUD, as approved by the Commission, complies with the applicable height, bulk, and density standards of the PUD guidelines and the authority vested in the Commission to grant deviations therefrom. The residential and religious uses for this project are appropriate for the PUD Site. The impact of the project on the surrounding area is not unacceptable. Accordingly, the project should be approved.
6. This Stage 2 PUD is substantially in accordance with the elements, guidelines, and conditions of the first-stage approval and thus should be granted. Pursuant to § 2408.6, if the Commission finds the Stage 2 PUD application to be in accordance with the intent and purpose of the Zoning Regulations, the PUD process, and the first-stage approval, the Commission shall grant approval to the second-stage application, including any

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guidelines, conditions, and standards that are necessary to carry out the Commission's decision. As set forth above, the Commission so finds.

7. The application can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.
8. The Applicant's request for flexibility from the Zoning Regulations is consistent with the Comprehensive Plan. Moreover, the project benefits and amenities are reasonable trade-offs for the requested development flexibility.
9. Approval of this PUD and map amendment 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 site 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.
10. 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 (2001)), to give great weight to OP recommendations. The Commission carefully considered the OP reports and its oral testimony at the hearing. As explained in this decision, the Commission finds OP's recommendation to grant the applications persuasive.
11. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) to give great weight to the issues and concerns raised in the written report of the affected ANC. The Commission has carefully considered the ANC 6D's recommendation for approval and concurs in its recommendation.
12. The application for a PUD 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 the application for approval of the Stage 2 PUD for Parcels 11A, 11B, Waterfront Park, and related adjacent spaces, subject to the guidelines, conditions, and standards set forth below. For purposes of these conditions, the term "Applicant" shall mean the person or entity then holding title to the residential portion of the Parcel 11 Building. If there is more than one owner of the residential portion of the Parcel 11 Building, the obligations under this Order shall be joint and several. If a person or entity no longer holds title to the residential portion of the Parcel 11 Building, that

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party shall have no further obligations under this Order; however, that party remains liable for any violation of these conditions that occurred while an owner of the residential portion of the Parcel 11 Building.

A. Project Development

1. The PUD shall be developed substantially in accordance with the master plan prepared by Perkins Eastman Architects, dated August 21, 2012, marked as Exhibit 200A in the record (the "Master Plan"), and in substantial accordance with the specific plans prepared by MFTA Architecture, Inc., for the church building on Parcel 11A, by SK&I Architectural Design for the residential building on Parcel 11B, and by Nelson Byrd Woltz, LLC for Waterfront Park, as submitted in Volume IV of the drawings dated August 21, 2012, and marked as Exhibit 207A in the record, as updated with a corrected sheet dated August 28, 2012 (Ex. 221), and further revised by the drawings dated November 26, 2012 (Ex. 245A); as modified by the guidelines, conditions and standards herein. Temporary landscaping shall be provided in the church plaza, as shown on Exhibit 238B.
2. Parcel 11 shall be subdivided into a single lot of record containing approximately 48,914 square feet of land area, as shown on Sheet 1.14 of Volume 0 of the drawings dated August 21, 2012, and marked as Exhibit 200A in the record. The Applicant shall make any necessary adjustments to the proposed lot configuration to accommodate the five-foot shift of the Parcel 11 Building to the west. Parcel 11 shall be developed as a single building for zoning purposes on one Record Lot and two or more Assessment and Taxation Lots, with a church building on the north portion and a multi-unit residential building on the south portion, and the two building portions connected by means of a door at the ground-floor level between the church building and the garage of the residential building. The Applicant shall provide a metes and bounds description of the residential portion of the new record lot prior to the recordation of the PUD covenant required under Condition C.1. below.
3. The Applicant is granted flexibility to construct the Parcel 11 Building to an overall maximum density of 3.15 FAR, of which 16,500 square feet of gross floor area shall constitute the church portion of the Parcel 11 Building and the remainder constituting the residential portion and parking facilities of the Parcel 11 Building. The maximum height of the residential portion of the Parcel 11 Building shall be 57 feet. The maximum height of the church portion of the Parcel 11 Building shall be 49 feet, as measured to the highest point of its sloped roof; the bell tower architectural embellishment may extend beyond maximum roof height.
4. Parking spaces for the Parcel 11 Building shall be provided in the garage on the residential portion of Parcel 11, which shall provide approximately 93 vehicle spaces and

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approximately 23 bicycle spaces, as shown on Sheets 2.8 and 2.10 in Volume IV of the drawings (Ex. 245A). The Applicant shall abide by the Loading and Curbside Management Plan submitted as Exhibit 196 to the record, as updated and revised by Exhibits 246A, 246B, and 247, particularly as it relates to the church and tour bus parking, loading, and management.

5. The Applicant shall have flexibility with the design of the PUD in the following areas:
 - a. *Parking Spaces:* The Parcel 11 Building shall provide 93 parking spaces on site, of which 86 shall be devoted to residential uses and seven shall be set aside for the church building;
 - b. *Loading Facilities:* The Parcel 11 Building shall provide one 20-foot loading space inside the residential portion of the building, as shown on the drawings. The Applicant shall also provide a 40-foot loading space in front of the building in the private right-of-way formerly known as Water Street for trucks and other oversized vehicles on an as-needed basis. This area will also be available for day-to-day loading and delivery activities for the church building. A loading area for church activities, such as weddings and funerals will also be designated along former Water Street, closer to Maine Avenue, as shown on the Loading and Curbside Management Plan submitted as Exhibit 196, as modified by Exhibits 246A, 246B, and 247 to the record;
 - c. *Rear Yard:* The Parcel 11 Building shall provide a rear yard with a minimum depth of 19 feet, as measured from the south (rear) façade of the building into the former M Place, S.W., right-of-way;
 - d. *Lot Occupancy:* The Parcel 11 Building may be constructed to a maximum lot occupancy of 86%;
 - e. *Roof Structure Setbacks:* The Parcel 11 Building shall comport to the roof structure setbacks as shown on the drawings;
 - f. To provide a range in the number of units in the residential portion of the Parcel 11 Building of plus or minus 10% from the number depicted on the plans;
 - g. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the Parcel 11 Building;
 - h. To vary the location and configuration of the inclusionary units in the residential portion of the Parcel 11 Building, so long as the proportion of studio, efficiency, one-bedroom and two-bedroom IZ units to all IZ units shall not exceed the proportion of market-rate studio, efficiency, one-bedroom and two-bedroom units to all market rate units with a mixed-income building;
 - i. To vary the garage layout, the number, location, and arrangement of the parking spaces, provided that the total number of parking spaces is not reduced below the minimum level required by the Commission;

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- j. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction, without reducing the quality of the materials; and to make minor refinements to exterior details and dimensions, including curtainwall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code, the recommendations of the U.S. Commission of Fine Arts, or that are otherwise necessary to obtain a final building permit; and
- k. To vary the selection of plantings in the landscape plan depending on seasonal availability within a range and quality as proposed in the plans.

B. Public Benefits

1. Prior to the issuance of a certificate of occupancy for the residential portion of the Parcel 11 Building, the residential portion of the Parcel 11 Building shall be designed to achieve a LEED-NC (new construction) or LEED-CS (core and shell) Silver rating or higher, consistent with the score sheets submitted as Sheet 2.24 of the Volume IV of the drawings. (Ex. 207A.) The residential portion of the Parcel 11 Building shall use low impact development (LID) strategies to reduce as much runoff from leaving the site as is practical and will filter one inch of rainfall before discharging from the site. The residential portion of the Parcel 11 Building shall meet the LEED stormwater requirements for both quality and quantity in conformance with the certification process sought for the building.
2. Prior to issuance of the first certificate of occupancy for the Application, the Applicant shall establish the Project Association for the PUD that will be responsible for maintenance and improvements of the private roadways, alleys, bicycle paths, promenade, sidewalks, piers, parks, and signage within the PUD boundaries. Additionally, the Project Association will be responsible for programming and staging events within the PUD. The Project Association will fund maintenance and programming elements of the project's common elements through a Common Area Maintenance (CAM) assessment charge to each development component within the PUD. The Applicant shall create, manage and operate the Project Association during the "developer control period," which begins on the effective date of the Declaration of Covenants between the District of Columbia and the Applicant and ends five years after issuance or deemed issuance of the last certificate of completion for all portions of the PUD site and unit certificates of completion for each residential condominium unit.
3. Prior to issuance of a certificate of occupancy for the residential portion of the Parcel 11 Building, the Applicant shall reconfigure closed M Place, S.W., and Water Street, S.W., to be used as private rights-of-way to accommodate two-way auto traffic for use by the

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public. The streets shall include two travel lanes and one parallel parking lane as shown on Sheets 3.15 and 3.16 of Volume IV of the drawings (Ex. 245A).

4. During construction of the Parcel 11 Building, the Applicant shall abide by the tree protection plan, as shown in Exhibit 194C to the record.
5. During construction of the PUD, the Applicant shall abide by the terms of the executed First Source Employment Agreement with the Department of Employment Services to achieve the goal of utilizing District residents for at least 51% of the new jobs created by the PUD project. (Ex. 90, 209.) Prior to issuance of a building permit for the construction of the residential portion of the Parcel 11 Building or the Waterfront Park, whichever occurs first, the Applicant shall complete the Construction Employment Plan of the First Source Employment Agreement outlining the hiring plan for the project. The Applicant and the contractor, once selected, shall use best efforts to coordinate apprenticeship opportunities with construction trades organizations, the D.C. Students Construction Trades Foundation, which is an affiliate of the Academy of Construction and Design at Cardozo, and other training and job placement organizations to maximize participation by District residents in the training and apprenticeship opportunities in the PUD.
6. During the life of the project, the Applicant shall abide by the executed CBE Agreement with the Department of Small and Local Business Development (Z.C. Exhibit No. 4-J in ZC Case No. 11-03) to achieve, at a minimum, 35% participation by certified business enterprises in the contracted development costs for the design, development, construction, maintenance, and security for the project to be created as a result of the PUD.
7. Prior to the issuance of a certificate of occupancy for the residential portion of the Parcel 11 Building, the owner of the residential portion of the Parcel 11 Building shall pay to the District \$750,000 in support of the District's Workforce Intermediary Program. Payment of the \$750,000 in connection with the requirement of a companion order for this Stage 2 PUD shall satisfy the condition of this PUD order.

C. Miscellaneous

1. 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 Applicant and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Division, Department of Consumer and Regulatory Affairs ("DCRA"). Such covenant shall bind the Applicant and all successors in title to construct and use the property in accordance with this order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.

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2. The PUD shall be valid for a period of two years from the effective date of Z.C. Order No. 11-03A(2). Within such time, an application must be filed for a building permit for the construction of the project as specified in 11 DCMR § 2409.1; the filing of the building permit application will vest the Order. Construction of the project must commence within three years of the effective date of Z.C. Order No. 11-03A(2).
3. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 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 and expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On December 10, 2012, upon the motion of Commissioner Turnbull, as seconded by Chairman Hood, the Zoning Commission **APPROVED** the Application at its public meeting by a vote of **3-0-2** (Anthony J. Hood, Peter G. May, and Michael G. Turnbull to approve; Marcie I. Cohen, not present, not voting; Robert E. Miller, not having participated, not voting).

On January 14, 2013, upon the motion of Commissioner Turnbull, as seconded by Vice Chairman Cohen, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Marcie I. Cohen, Peter G. May, and Michael G. Turnbull to adopt; Robert E. Miller, not having participated, not voting).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on February 15, 2013.

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