



District of Columbia

REGISTER

HIGHLIGHTS

- DC Council passes Act 20-319, Comprehensive Planning and Utilization of School Facilities Amendment Act of 2014
- DC Council schedules a public hearing on Bill 20-789, Better Prices, Better Quality, Better Choices for Health Coverage Temporary Amendment Act of 2014
- Office of Tax and Revenue updates Recordation Tax regulations
- Board of Elections clarifies regulations regarding the maximum number of signatures for filing ballot measure petitions
- DC Housing Authority proposes rent increases for property owners participating in the Housing Choice Voucher Program
- Department of Consumer and Regulatory Affairs releases an administrative bulletin to help the public to comply with the green building and energy conservation laws and regulations
- Office of the Chief Financial Officer gives notice of increase in the tax year 2015 surtax for cigarette packages in the District of Columbia

DISTRICT OF COLUMBIA REGISTER

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

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CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. ACTS

A20-316 Dell Marketing L.P. Purchase Order No. PO480603
Approval and Payment Authorization Emergency
Act of 2014 [B20-739]..... 004663 - 004664

A20-317 Scholastic Inc. Purchase Orders PO481712, PO466824,
and PO466825 Approval and Payment Authorization
Emergency Act of 2014 [B20-740] 004665 - 004666

A20-318 Child Development Home License Emergency
Amendment Act of 2014 [B20-755]..... 004667 - 004668

A20-319 Comprehensive Planning and Utilization of School
Facilities Amendment Act of 2014 [B20-313]..... 004669 - 004674

A20-320 Kelsey Gardens Redevelopment Temporary Act
of 2014 [B20-699] 004675 - 004676

A20-321 Tobacco Product Manufacturer Reserve Fund
Temporary Amendment Act of 2014 [B20-705] 004677 - 004678

A20-322 District Multiyear Delivery Order No. CW23558
under Federal Contract No. SP0600-13-D-4037
Approval and Payment Authorization Emergency
Act of 2014 [B20-730]..... 004679 - 004680

A20-323 Comprehensive Code of Conduct and BEGA Emergency
Amendment Act of 2014 [B20-754]..... 004681 - 004683

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

Notice of Intent to Act on New Legislation -
Bills B20-777 and Proposed Resolution PR20-739 through
PR20-743, PR20-748, PR20-749 and PR20-750 004684 - 004685

COUNCIL HEARINGS

Notice of Public Hearings -
B20-572 Commission on Health Disparities Establishment
Act of 2013.....004686

**ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D
COUNCIL HEARINGS**

Notice of Public Hearings -

B20-678	Medical Marijuana Plant Cultivation Amendment Act of 2014 (joint).....	004687
B20-766	Medical Marijuana Expansion Amendment Act of 2014 (joint).....	004687
B20-753	Transportation Network Services Innovation Act of 2014 (revised).....	004688

Notice of Public Roundtable -

PR20-734	National Presbyterian School, Inc. Revenue Bonds Project Approval Resolution of 2014.....	004689
PR20-749	Lab School of Washington Revenue Bonds Project Approval Resolution of 2014.....	004689
PR20-750	Two Rivers Public Charter School Inc. Revenue Bonds Project Approval Resolution of 2014.....	004689

OTHER COUNCIL ACTIONS

Consideration of Temporary Legislation -

B20-745	Vending Regulations Temporary Amendment Act of 2014.....	004690
B20-748	Education Evaluation Data Collection Temporary Amendment Act of 2014.....	004690
B20-776	Health Benefit Exchange Authority Financial Sustainability Temporary Amendment Act of 2014.....	004690
B20-786	Workers Compensation Statute of Limitations Temporary Amendment Act of 2014.....	004690
B20-789	Better Prices, Better Quality, Better Choices for Health Coverage Temporary Amendment Act of 2014.....	004690

Reprogramming Requests -

20-177	Request to reprogram \$620,000 of Fiscal Year 2014 Local funds budget authority within the Department of General Services (DGS).....	004691
20-178	Request to reprogram \$1,191,562 of Capital funds budget and allotment within the District Department of Transportation (DDOT).....	004691
20-179	Request to reprogram \$979,674 of Fiscal Year 2014 Local funds budget authority within the Department of Motor Vehicles (DMV).....	004691

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage Regulation Administration -

ABC Board's Calendar – May 14, 2014 004692 - 004693
 ABC Board's Calendar – May 15, 2014 004694 - 004696
 Angelika Pop Up! - ANC 5D - New..... 004697
 Cambria Suites Washington City Market - ANC 6E - New 004698
 Cambria - ANC 6E - New (Replacard) 004699
 City Corner Inc. - ANC 1B - New 004700
 Cloud Restaurant & Lounge - ANC 1B - Substantial Change 004701
 Club Timehri - ANC 1C - Petition to Terminate Settlement Agreement 004702
 Grand Cata - ANC 6E - New (Rescind) 004703
 Grand Cata - ANC 6E - New (Readvertisement) 004704
 Laliguras Indian & Nepali Bistro - ANC 3F - New..... 004705
 Little Miss Whiskey's Golden Dollar - ANC 6A - Substantial Change..... 004706
 Mova - ANC 1B - Renewal (Readvertisement) 004707
 Mythology & Lore - ANC 6A - New (Correction)..... 004708
 Smith Point - ANC 2E - Substantial Change (Correction) 004709
 The Pitch - ANC 4C - New 004710
 Tico - ANC 2B - New (readvertisement) 004711

Mayor's Agent on Historic Preservation

H.P.A. 2234 and 2238 Martin Luther King Jr. Avenue (and 1328 W Street) SE004712
 14-221 and
 14-222
 14-322 3500 R Street NW004713

Zoning Commission -

10-32B Georgetown University – Proton Therapy Addition 004714 - 004716

FINAL RULEMAKING

Tax and Revenue, Office of – Amend 9 DCMR (Taxation and Assessments), Ch. 5 (Tax on Recordation of Deeds) to update Recordation Tax regulations 004717 - 004722

PROPOSED RULEMAKING

Elections, Board of – Amend 3 DCMR (Elections and Ethics), Ch. 10 (Initiative and Referendum); Ch. 11 (Recall of Elected Officials); Ch. 14 (Candidate Nominations: Political Party Primaries for Presidential Preference and Convention Delegates); Ch. 15 (Candidate Nominations: Electors of President and Vice-President); Ch. 16 (Candidate Nomination: Delegate to the U.S. House of Representatives, Mayor, Chairman, Members of the Council of the District of Columbia, U.S. Senator, U.S. Representative, Members of the State Board of Education, and Advisory Neighborhood Commissioners); and Ch. 17 (Candidates: Members and Officials of Local Committees of Political Parties and National Committee Persons to establish the maximum number of signatures for filing ballot measure petitions 004723 - 004728

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PROPOSED RULEMAKING CONT'D

Housing Authority, DC – Amend 14 DCMR (Housing)
Ch. 83 (Rent Increases to Owner) to approve rent
increases to owners in the Housing Choice Voucher Program.....004729 - 004730

Human Resources, Department of – Amend 6B DCMR
(Government Personnel), Ch. 9 (Excepted Service),
Sec. 904 (Excepted Service Positions),
Sec. 908 (Restrictions on Subsequent Appointments to the
Career, Management Supervisory, or Educational Services),
Sec. 913 (Separation Pay) to update regulations for Excepted Service004731 - 004736

Taxicab Commission , DC - Amend 31 DCMR (Taxicabs and
Public Vehicles for Hire) to adopt Ch. 8 (Operation of Taxicabs),
Sec. 801 (Passenger Rates and Charges), Sec. 803(Receipts for
Taxicab Service), Sec. 823 (Manifest Record), Sec. 826
(Filing of Complaints) to create a regulatory framework
for a new class of public vehicle-for-hire service to be called
“private sedan service”.....004737 - 004742

Taxicab Commission , DC - Amend 31 DCMR (Taxicabs and
Public Vehicles for Hire), Ch. 12 (Luxury Services – Owners,
Operators and Vehicles) to create a regulatory framework for a
new class of public vehicle-for-hire service to be called
“private sedan service”004743 - 004748

Taxicab Commission , DC - Amend 31 DCMR (Taxicabs and
Public Vehicles for Hire), to adopt Ch. 14 (Operation of Black
Cars and Private Sedans) to create a regulatory framework for
a new class of public vehicle-for-hire service to be called
“private sedan service”,.....004749 - 004759

EMERGENCY AND PROPOSED RULEMAKING

Consumer and Regulatory Affairs, Dept. of -
Amend 12 DCMR (D.C. Construction Codes of 2013),
Title A (Building Code Supplement of 2013),
Ch. 1 (Administration and Enforcement), Sec. 106,
Ch. 4 (Special Detailed Requirements Based on Use and Occupancy),
Ch. 32 (Encroachments into the Public Right-of-Way.....004760 - 004775

Title F (Plumbing Code Supplement of 2013),
Ch. 3 (General Regulations), Sec. 305
Ch. 6 (Water Supply And Distribution), Sec. 306,
Ch. 7 (Sanitary Drainage).....004760 - 004775

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

EMERGENCY AND PROPOSED RULEMAKING

Consumer and Regulatory Affairs, Dept. of - cont'd
12 DCMR (D.C. Construction Codes of 2013) – cont'd
Title G (Property Maintenance Code Supplement of 2013),
Ch. 3 (Requirements), Sec. 310 (Carbon Monoxide Alarms)
Ch. 7 (Fire Safety Requirements), Sec. 701 (General).....004760 - 004775

Title H (Fire Code Supplement of 2013),
Ch. 1 (Administration And Enforcement), Table 105.6.20,
Ch. 3 (General Requirements), Sec. 304.1.2 (Vegetation)
Ch. 5 (Fire Service Features), Sec. 510 (Emergency
Responder Radio Coverage),
Ch. 11 (Construction Requirements For Existing Buildings).....004760 - 004775

Title K (Green Building Code Supplement of 2013),
Ch. 3 (Green Building Act and Ashrae 189.1),
Sec. 302 (Green Building Act Requirements)
Ch. 5 (Material Resource Conservation And Efficiency),
Sec. 507 (Building Envelope Moisture Control004760 - 004775

Contracting and Procurement, Office of - Amend 27 DCMR
(Contracts and Procurement), Ch. 32 (Contract Financing and
Funding), Sec. 3205 (Advance Payments), Subsection 3205.1
To authorize advance payments to a provider of non-emergency
transportation for Medicaid and fee-for-service recipients004776 - 004777

**NOTICES, OPINIONS, AND ORDERS
MAYOR'S ORDERS**

2014-083 Appointments -- Mayor's Advisory Committee on
Child Abuse and Neglect004778

2014-084 Appointment -- Commission on the Arts and Humanities..... 004779

2014-085 Appointment -- Board of Chiropractic..... 004780

2014-086 Appointment -- District of Columbia Developmental
Disabilities Fatality Review Committee 004781

2014-087 Appointment -- Board of Medicine.....004782

2014-088 Delegation of Authority to the Director of the Department
of General Services to Convey an Easement to the
District of Columbia Water and Sewer Authority004783

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS CONT'D
MAYOR'S ORDERS CONT'D**

2014-089 Delegation of Authority to the Deputy Mayor for Planning and Economic Development to Solicit Offers, Accept Unsolicited Offers, and Execute Certain Documents with Respect to the Real Property in Washington, DC Known as Reservation 13.....004784 - 004785

2014-090 Delegation of Authority to the Deputy Mayor for Planning and Economic Development to Solicit Offers, Accept Unsolicited Offers, and Execute Certain Documents with Respect to District owned real property known for tax and assessment purposes as Lot 0893 in Square 5865 (the "Property")004786 - 004787

2014-091 Appointment -- Acting Director of the District of Columbia Office of Planning 004788

**NOTICES, OPINIONS, AND ORDERS
BOARDS, COMMISSIONS, AND AGENCIES**

Alcoholic Beverage Regulation Administration - ABC Board

 Cancellation Agenda - May 14, 2014.....004789 - 004790

 Investigative Agenda - May 14, 2014.....004791 - 004792

 Legal Agenda - May 14, 2014.....004793

 Licensing Agenda - May 14, 2014004794 - 004795

Cesar Chavez Public Charter Schools - Request for Proposals -

 Electrical Services 004796

Chief Financial Officer, Office of the -

 Notice of increase in the tax year 2015 surtax for cigarette packages in the District of Columbia..... 004797

Consumer and Regulatory Affairs, Department of -

 Notice of Administrative Bulletin Issuance - CC2014-01 004798

E.L. Haynes - Public Charter Schools - Request for Proposals

 School-based special education related services..... 004799

Education, Office of the State Superintendent of -

 Education Licensure Commission - 3rd Notice of Revised Schedule of Meetings - Calendar Year 2014..... 004800 - 004802

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES CONT'D**

Environment, District Dept. of the - Intent to Issue Permits
#5881-R1 Collision Auto Clinic, 2206 Lawrence Ave. NE..... 004803 - 004804

Friendship Public Charter School (FPCS) – Request for Proposals
Custodial and facilities management services004805
Plumbing Services004805

Health, Department of - Board of Chiropractic Meeting - May 13, 2014 004806

Housing Finance Agency, DC - Board Meeting - May 13, 2014 004807

Inspired Teaching School - Requests for Proposals -
Moving and Furniture Services 004808
Before and Afterschool Care Provider 004809

Potomac Lighthouse Public Charter School - Requests for Proposals -
Information Technology (IT) 004810
Facilities Maintenance and Management 004810
Financial Management 004810
Human Resource 004810
Marketing and Communications 004810

Public Service Commission - Notice of Inquiry -
Formal Case No. RM5-2014–01-E, In the Matter of the
Annual Consolidated Report of the Potomac Electric
Power Company 004811 - 004814

Retirement Board, DC -
Closed Meeting - May 15, 2014..... 004815
Open Meeting - May 15, 2014 004816

Taxicab Commission, DC - General Meeting - May 14, 2014..... 004817

Washington Latin Public Charter School - Request for Proposals -
International Travel Lead 004818

Water and Sewer Authority, DC - Meetings -
Environmental Quality and Sewerage Services Committee - May 15, 2014 004819
Governance Committee - May 14, 2014 004820
Water Quality and Water Services Committee - May 15, 2014..... 004821

Zoning Adjustment, Board of - Orders

18743 Maggot Funk LLC - ANC 6E..... 004822 - 004824

Zoning Adjustment, Board of -

Closed Meeting – May 13, 2014004825

Zoning Commission -

07-13D TR SW 2, LLC..... 004826 - 004855

07-13E Trustees of the Corcoran Gallery of Art and TR SW 2 LLC..... 004856 - 004859

Zoning Commission - Closed Meeting - May 13, 2014 004860

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-316

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 28, 2014

To approve, on an emergency basis, Dell Marketing L.P. Purchase Order No. PO480603 issued pursuant to the Virginia Information Technology Agency (VITA) Cooperative Agreement Contract No. VA-090202-Dell to procure Dell computers, laptops, and laptop carts for the 2013-2014 school year.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Dell Marketing L.P. Purchase Order No. PO480603 Approval and Payment Authorization Emergency Act of 2014".

Sec. 2. 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), and notwithstanding section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the Dell Marketing L.P. Purchase Order No. PO480603 and authorizes payment in the amount of \$1,907,467.50 for goods received and to be received under the purchase order.

Sec. 3. Fiscal impact statement.

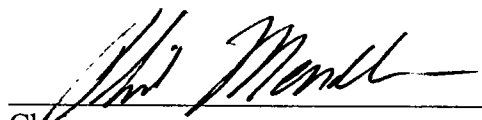
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Fiscal impact statement.

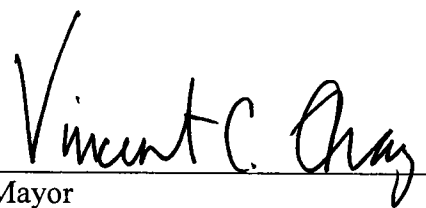
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 28, 2014

ENROLLED ORIGINAL

AN ACT
D.C. ACT 20-317

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
APRIL 28, 2014

To approve, on an emergency basis, Scholastic Inc. Purchase Order Nos. PO481712, PO466824, and PO466825 issued pursuant to the TIPS/TAPS Cooperative Agreement 03012612 for the purchase of reading materials and instructional resources for the 2013-2014 school year.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Scholastic Inc. Purchase Orders PO481712, PO466824, and PO466825 Approval and Payment Authorization Emergency Act of 2014".

Sec. 2. 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), and notwithstanding section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Purchase Order Nos. PO481712, PO466824, and PO466825 issued pursuant to the TIPS/TAPS Cooperative Agreement 03012612 and authorizes payment in the amount of \$1,629,260 for the goods received and to be received under these purchase orders.

Sec. 3. Fiscal impact statement.

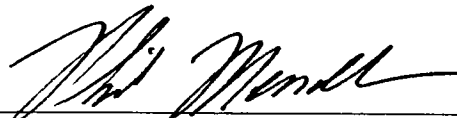
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

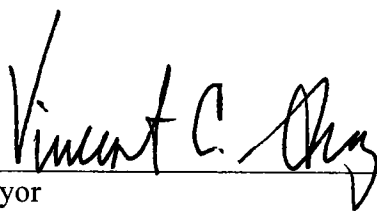
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 28, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-318

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 28, 2014

To amend, on an emergency basis, the Day Care Policy Act of 1979 to permit more than 2 children under 2 years of age in a child development home with a ratio of one adult caregiver to 2 children under 2 years of age.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child Development Home License Emergency Amendment Act of 2014".

Sec. 2. Section 2 of the Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code § 4-401), is amended as follows:

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

"(1A) The term "Child Development Associate credential" means a credential recognized by the Council for Professional Recognition and accepted by the Office of the State Superintendent of Education to demonstrate competency as a caregiver for young children."

(b) Paragraph (3) is amended by striking the phrase "no more than 2 children younger than 2 years of age in the group." and inserting the phrase "a ratio of one adult caregiver to 2 children if there are 2 or more children younger than 2 years of age in the group; provided, that each adult caregiver possesses a post-secondary degree in early childhood education or a related field as determined by the Office of the State Superintendent of Education, has a current Child Development Associate ("CDA") credential, is enrolled in a CDA training program, or can provide evidence of enrollment in a CDA training program that will begin within 6 months of the first day of the adult caregiver's work with children at the child development home." in its place.

Sec. 3. Fiscal impact statement.

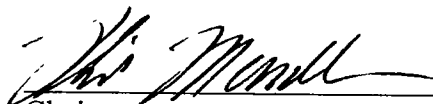
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

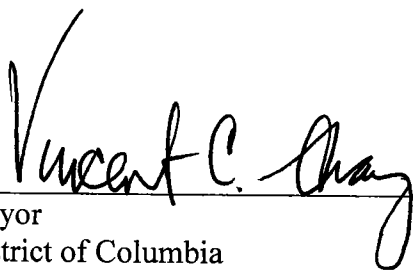
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 28, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-319

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 28, 2014

To amend the District of Columbia School Reform Act of 1995 regarding the process for the disposition and use of former District of Columbia public school buildings; and to amend the School Based Budgeting and Accountability Act of 1998 to require an annual supplement to the Master Facilities Plan and the designation of school buildings as surplus.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Comprehensive Planning and Utilization of School Facilities Amendment Act of 2014”.

Sec. 2. The District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1800 *et seq.*), is amended as follows:

(a) Section 2002 (D.C. Official Code § 38-1800.02) is amended as follows:

(1) A new paragraph (6A) is added to read as follows:

“(6A) *Charter school facility incubator.* – The term “charter school facility incubator” means a nonprofit organization that uses its facility or property to house a charter school for 5 years or until the charter school can acquire its own property, whichever occurs first.”.

(2) A new paragraph (8A) is added to read as follows:

“(8A) *DCPS.* – The term “DCPS” means the District of Columbia Public Schools, established by section 102 of the District of Columbia Public Schools Agency Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D. C. Official Code § 38-171).”.

(3) New paragraphs (17A) and (17B) are added to read as follows:

“(17A) *Eligible entity.* – The term “eligible entity” means:

“(A) A public charter school;

“(B) An eligible applicant whose petition to establish a public charter school has been conditionally approved pursuant to section 2203(d)(2);

“(C) A Board of Trustees; or

“(D) A charter school facility incubator.

“(17B) *Excess.* – The term “excess” means no longer needed for operational purposes for DCPS or another District agency.”.

(4) A new paragraph (30A) is added to read as follows:

ENROLLED ORIGINAL

“(30A) *School facility*. – The term “school facility” means a structure or real property that:

“(A) Is under the control of DCPS; or

“(B) Was previously under the control of DCPS or the Board of Education and is now under the control of the Mayor or another agency of the District government.”.

(b) Section 2209(b)(1) (D.C. Official Code § 38-1802.09(b)(1)) is amended as follows:

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

“(A) *In general*. ---

“(i) Notwithstanding any other provision of law, regulation, or order, the Mayor shall give the right of first offer to purchase, lease, or otherwise use an excess school facility to an eligible entity.

“(ii) In selecting an eligible entity for the purchase, lease, or use of an excess school facility, the Mayor shall give:

“(I) First preference to an existing tenant that is a public charter school that has occupied all, or substantially all, of the facility or property;

“(II) Second preference to a public charter school that the Public Charter School Board has determined to be high-performing and financially sound; and

“(III) Third preference to any other eligible entity.”.

(2) Subparagraph (B) is repealed.

(3) Subparagraph (C) is amended to read as follows:

“(C) *Terms of purchase or lease*. – The terms of purchase or lease of an excess school facility shall:

“(i) Be negotiated by the Mayor in accordance with terms and conditions set forth in regulations;

“(ii) Include rent or an acquisition price, whichever is applicable, that is equal to the appraised value of the excess school facility based on use of the property for school purposes; provided, that the Mayor may provide credits against the rental price, including a credit based on capital improvements made to the facility by the lessee, based upon a schedule of credits as set forth in regulations; and

“(iii) Include a lease period, if the excess school facility is to be leased, of not less than 25 years, and renewable for additional 25-year periods; provided, that a lease involving a co-location agreement may include a lease or renewal period of less than 25 years.”.

(4) New subparagraphs (D), (E), and (F) are added to read as follows:

“(D) *Disposition of an excess school facility*. ---

“(i) Within 6 months of a school facility being designated as excess pursuant to section 1104(e) of the School Based Budgeting and Accountability Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 38-2803(e)), the Mayor shall make the facility available pursuant to this paragraph.

“(ii) The Mayor may, at any time, determine any other school facility to be excess and make it available pursuant to this paragraph.

ENROLLED ORIGINAL

“(iii) The Mayor may offer an excess school facility to an entity other than an eligible entity only if the following conditions have been met:

“(I) The Mayor provided eligible entities with a right of first offer for the excess school facility pursuant to subparagraph (A) of this paragraph and no eligible entity was selected; and

“(II) The Mayor provided eligible entities an opportunity to submit unsolicited proposals for the purchase or lease of the excess school facility.

“(iv) The submission period for unsolicited proposals shall begin 30 days after the submission deadline in the right of first offer made pursuant to subparagraph (A) of this paragraph for the particular excess school facility and shall remain open for 12 months or until an eligible entity is selected, whichever occurs first. For purposes of reviewing the unsolicited proposals, the Mayor shall use the same evaluation criteria as set forth in the original right of first offer made pursuant to subparagraph (A) of this paragraph for the particular excess school facility.

“(v) Nothing in this section shall prohibit the Mayor from utilizing an excess school facility for another government use while the property is being offered to eligible entities as required by this act; provided, that the use does not interfere with the right of first offer as set forth in this section.

“(E) *Reclamation of an excess school facility.* ---

“(i) The Chancellor may, at any time, make a request to the Mayor based on the need for additional space as a result of projected enrollment increases to reclaim an excess school facility that has not yet been transferred pursuant to this subsection.

“(ii) The Mayor shall approve the Chancellor’s request only if the Chancellor has explained with particularity to the Mayor’s satisfaction the need for DCPS to reclaim the excess school facility. The request and the approval, or disapproval, shall be in writing and made publicly available on the Mayor’s website.

“(F) *Applicability of existing rules and regulations.* -- The rules and regulations in place on or before the effective date of the Comprehensive Planning and Utilization of School Facilities Amendment Act of 2014, passed on 2nd reading on April 8, 2014 (Enrolled version of Bill 20-313)(“2014 amendatory act”), shall continue to apply to an eligible applicant that has applied to purchase, lease, transfer, or use a school facility before the effective date of the 2014 amendatory act.”.

Sec. 3. The School Based Budgeting and Accountability Act of 1998, effective March, 26 1999 (D.C. Law 12-175; D.C. Official Code § 38-2801 *et seq.*), is amended as follows:

(a) A new section 1102a is added to read as follows:

“Sec. 1102a. Definitions.

“For the purposes of this act, the term:

“(1) “DCPS” means the District of Columbia Public Schools, established by section 102 of the District of Columbia Public Schools Agency Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D. C. Official Code § 38-171).

ENROLLED ORIGINAL

“(2) “Excess” means no longer needed for operational purposes for DCPS or another District agency.

“(3) “School facility” means a structure or real property that:

“(A) Is under the control of DCPS; or

“(B) Was previously under the control of DCPS or the Board of Education and is now under the control of the Mayor or another agency of the District government.

“(4) “Significantly underused” means a DCPS facility that is used primarily for administrative purposes and uses less than 25% of the property’s available square footage on a daily basis.

“(5) “Swing space” means a school facility reserved for future classroom instruction or DCPS administrative use during planned renovation, modernization, or construction of another school facility.

“(6) “Utilization” means the ratio of current enrollment to the total number of students that can be served in a space based on programmatic and scheduling requirements.”.

(b) Section 1104 (D.C. Official Code 38-2803) is amended as follows:

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

(A) Paragraph (1A) is repealed.

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

(i) Subparagraph (B) is amended by striking the phrase “current level of utilization” and inserting the phrase “current level of utilization, projected 5-year facility needs for each local education agency” in its place.

(ii) Subparagraph (J) is amended by striking the word “and” at the end of the sentence.

(iii) Subparagraph (K) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(iv) A new subparagraph (L) is added to read as follows:

“(L) A safety and security assessment of educational facilities based upon a comprehensive examination of the facility’s physical environment for crime vulnerabilities, including an analysis of:

“(i) Surveillance capabilities, both active and passive;

“(ii) Access control, including the ability to securely manage who enters and exits the facility; and

“(iii) Facility maintenance.”.

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

“(2A) Beginning on December 15, 2014, and every year thereafter, the OPEFP shall prepare and make publicly available an annual supplement to the Master Facilities Plan that includes:

“(A) Results of the Department of General Services annual survey as set forth in paragraph (3)(E) of this subsection;

“(B) Updated information on:

“(i) Enrollment projections at the local education agency level and the individual school level for both DCPS and public charter schools; and

ENROLLED ORIGINAL

“(ii) Facility needs for each local education agency;

“(C) A plan, including co-location options, to increase utilization at any school facility in use by DCPS with a utilization rate of less than 50%;

“(D) A plan to ensure that each school facility in use by DCPS that is at 95% utilization or above does not suffer from overcrowding but can sufficiently meet the facility and academic needs of its students; and

“(E) Each school facility’s designation as one or more of the following:

“(i) In use primarily for classroom instruction;

“(ii) In use primarily for swing space;

“(iii) In use primarily for DCPS administrative purposes, including storage;

“(iv) In use by an entity other than DCPS;

“(v) Vacant; or

“(vi) Significantly underused.”

(D) Paragraph (3) is amended as follows:

(i) The lead-in language is amended by striking the phrase “Master Facilities Plan” and inserting the phrase “Master Facilities Plan and the annual supplement” in its place.

(ii) Subparagraph (A) is amended to read as follows:

“(A) The District of Columbia Public Schools, which shall transmit to the OPEFP:

“(i) Educational plans and policies it considers relevant to the facilities planning process;

“(ii) Educational specifications for each facility subject to modernization;

“(iii) Its 5-year enrollment projections; and

“(iv) Its 5-year projections of facility needs;”

(iii) Subparagraph (B)(i) is amended to read as follows:

“(i) Collect and transmit to the OPEFP educational plans and policies of individual public charter schools, 5-year enrollment growth plans, data on existing public charter school facilities and facilities-related needs, and other information considered relevant to the planning process; and”

(iv) Subparagraph (C) is amended by striking the word “and” at the end.

(v) Subparagraph (D) is amended by striking the period and inserting the phrase “; and” in its place.

(vi) A new subparagraph (E) is added to read as follows:

“(E) The Department of General Services, which shall conduct an annual survey to update information on the enrollment, utilization, and condition of each DCPS and charter school facility, including a review of whether or not the facility has a working carbon monoxide detector, and transmit the results to OPEFP.”

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

ENROLLED ORIGINAL

“(e)(1) Within 30 days of the release of the annual supplement to the Master Facilities Plan as required by subsection (b)(2A) of this section, the District shall:

“(A) Determine which school facilities will be designated as excess; and

“(B) Make a list of these properties, and those deemed excess pursuant to paragraph (2) of this subsection, publicly available on its website.

“(2) Unless written justification is made publicly available at the time of the publication of the list as required in paragraph (1) of this subsection based on projected operational needs of DCPS or another District agency, a school facility shall be automatically deemed excess if it has been designated in the annual supplement to the Master Facilities Plan as:

“(A) Vacant; or

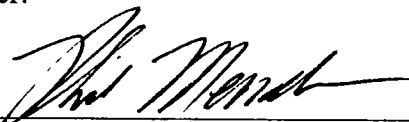
“(B) Significantly underused for 2 consecutive years.”.

Sec. 4. Fiscal impact statement.

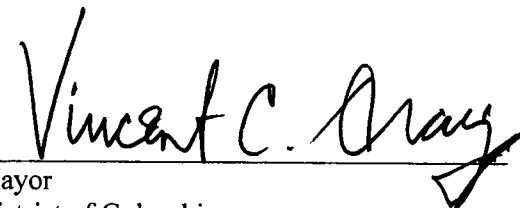
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 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
April 28, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-320

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 28, 2014

To amend, on a temporary basis, section 47-4625 of the District of Columbia Official Code to adjust the amount of retail space required for the real property known as Kelsey Gardens to qualify for a real property tax abatement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Kelsey Gardens Redevelopment Temporary Act of 2014”.

Sec. 2. Section 47-4625(a)(2) of the District of Columbia Official Code is amended to read as follows:

“(2) Beginning on December 17, 2009, contain approximately 13,363 square feet of ground-level retail space; and”.

Sec. 3. Fiscal impact statement.

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


Sec. 4. Effective date.

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

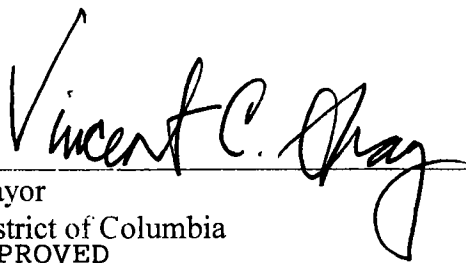
ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 28, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-321

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 28, 2014

To amend, on a temporary basis, the Tobacco Product Manufacturer Reserve Fund Complementary Procedures Act of 2004 to permit the information provided by District tobacco wholesalers to be shared with the multistate data clearinghouse created to implement a term sheet agreed to by the District and Participating Manufactures and related to the Master Settlement Agreement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Tobacco Product Manufacturer Reserve Fund Temporary Amendment Act of 2014".

Sec. 2. Section 6(b) of the Tobacco Product Manufacturer Reserve Fund Complementary Procedures Act of 2004, effective April 22, 2004 (D.C. Law 15-150; D.C. Official Code § 7-1803.05(b)), is amended as follows:

(a) Strike the phrase "Corporation Counsel" wherever it appears and insert the phrase "Attorney General" in its place.

(b) A new sentence is added at the end to read as follows:

"The Attorney General may also disclose the information received under this act with the data clearinghouse created to implement the term sheet agreed to by the District and Participating Manufacturers, and given effect by a March 12, 2013, arbitral award."

Sec. 3. Fiscal impact statement.

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

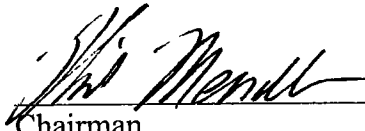
Sec. 4. Effective date.

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

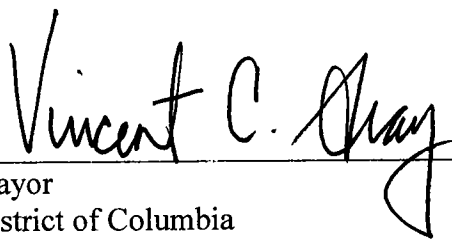
ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 28, 2014

ENROLLED ORIGINAL

AN ACT
D.C. ACT 20-322

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 28, 2014

To approve, on an emergency basis, District multiyear Delivery Order No. CW23558 under Federal Contract No. SP0600-13-D-4037 to provide and deliver fuel to various District sites and to authorize payment for the goods and services received and to be received under that delivery order.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District Multiyear Delivery Order No. CW23558 under Federal Contract No. SP0600-13-D-4037 Approval and Payment Authorization Emergency Act of 2014".

Sec. 2. 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), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §2-352.02), the Council approves District multiyear Delivery Order No. CW23558 with Truman Arnold Companies to provide and deliver fuel to various District sites under Federal Contract No. SP0600-13-D-4037 and authorizes payment in the estimated amount of \$553,503.28 for services received and to be received under that delivery order.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

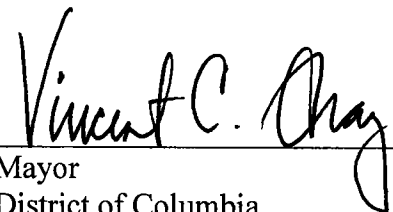
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 28, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-323

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 28, 2014

To amend, on an emergency basis, the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to subject certain conduct to the Code of Conduct enforceable by the District of Columbia Board of Ethics and Government Accountability ("BEGA"), to clarify that the Code of Conduct applies to the entire District government and its instrumentalities, while excluding the courts, to require the BEGA to develop a comprehensive Code of Conduct for review and approval by the Council, to allow the Director of Government Ethics 30 business days from the initiation of a formal investigation to present evidence to the BEGA, to allow the Director of Government Ethics to pursue a civil fine and refer matters for criminal prosecution, and to clarify that any failure to obey the order of the court enforcing a penalty imposed by the BEGA may be treated by the court as contempt; and to amend the Confirmation Act of 1978 to include BEGA among the boards and commissions to which specified confirmation procedures apply.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Comprehensive Code of Conduct and BEGA Emergency Amendment Act of 2014".

Sec. 2. The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.*), is amended as follows:

(a) Section 101(7) (D.C. Official Code § 1-1161.01(7)) is amended as follows:

(1) Subparagraph (A) is amended by striking the word "The" and inserting the phrase "For members and employees of the Council, the" in its place.

(2) Subparagraph (E) is amended by striking the word "Chapter" and inserting the phrase "For employees and public officials who are not members or employees of the Council, Chapter" in its place.

(3) Subparagraph (F) is amended by striking the period and inserting the phrase "and" in its place.

(4) A new subparagraph (G) is added to read as follows:

"(G) The Acceptance and use of gifts by District Entities Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 1-329.01), concerning gifts to the District of Columbia."

(b) A new section 201a is added to read as follows:

ENROLLED ORIGINAL

“Sec. 201a. Comprehensive applicability to employees and public officials.

“This act and the Code of Conduct shall apply to all employees and public officials serving the District of Columbia, its instrumentalities, subordinate and independent agencies, the Council of the District of Columbia, boards and commissions, and Advisory Neighborhood Commissions, but excluding the Courts.”

(c) Section 209 (D.C. Official Code § 1-1162.09) is amended to read as follows:

“Sec. 209. Rules.

“(a) The Ethics Board, pursuant to Title I of the Administrative Procedure Act, shall issue rules to implement the provisions of this title, including rules for the administration of preliminary investigations, formal investigations, and hearings related to violations of the Code of Conduct or other provisions of this title.

“(b)(1) The Ethics Board shall submit to the Council for its consideration proposed legislation codifying a comprehensive Code of Conduct applicable to all employees and public officials serving the District of Columbia, its instrumentalities, subordinate and independent agencies, the Council of the District of Columbia, boards and commissions, and Advisory Neighborhood Commissions, but excluding the Courts. Upon the effective date of legislation establishing a comprehensive Code of Conduct, the comprehensive Code of Conduct shall supplant the existing Code of Conduct as defined by section 101(7).

“(2) Upon the effective date of legislation establishing a comprehensive Code of Conduct, the Ethics Board shall issue rules to implement the provisions of the comprehensive Code of Conduct. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed disapproved.”

(d) Section 212(a) (D.C. Official Code § 1-1162.12(a)) is amended by striking the word “violation” and inserting the phrase “violation of” in its place.

(e) Section 213(e) (D.C. Official Code § 1-1162.13(e)) is amended to read as follows:

“(e) Within 30 business days of the initiation of a formal investigation, the Director of Government Ethics shall cause evidence concerning the complaint to be presented to the Ethics Board, with the potential for a 15-business-day extension to be granted by the Ethics Board. If the Ethics Board decides that there is reasonable belief that a violation has occurred, the Ethics Board may authorize the issuance of subpoenas.”

(f) Section 215(a) (D.C. Official Code § 1-1162.15(a)) is amended by striking the phrase “the Ethics Board may:” and inserting the phrase “the Ethics Board may take one or more of the following actions:” in its place.

(g) Section 221(a)(5) (D.C. Official Code § 1-1162.21(a)(5)) is amended by adding a new subparagraph (C) to read as follows:

“(C) Any failure to obey the order of the court may be treated by the court as contempt.”

Sec. 3. Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)), is amended as follows:

(a) Paragraph (29) is amended by striking the word “and”.

ENROLLED ORIGINAL

(b) Paragraph (30) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (31) is added to read as follows:

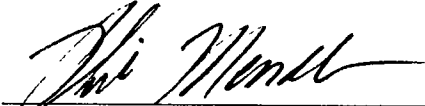
“(31) The District of Columbia Board of Ethics and Government Accountability, established by section 202 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.02).”.

Sec. 4. Fiscal impact statement.

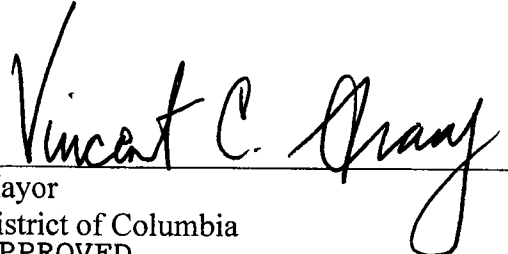
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 28, 2014

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

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

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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BILL

B20-777 Health Benefit Exchange Authority Financial Sustainability Amendment Act of 2014

Intro. 04-28-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PROPOSED RESOLUTIONS

PR20-739 Medicaid Mental Health Rehabilitation Services for Children Amendment Approval Resolution of 2014

Intro. 04-28-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PR20-740 Commission on African Affairs Louisa Buadoo-Amoa Confirmation Resolution of 2014

Intro. 04-28-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations

PR20-741 Commission on African Affairs Yinusa Yusuff Confirmation Resolution of 2014

Intro. 04-28-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations

PROPOSED RESOLUTIONS CON'T

PR20-742 1005 North Capitol Street, N.E., Surplus Declaration and Approval Resolution of 2014

Intro. 04-28-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations

PR20-743 1005 North Capitol Street, N.E., Disposition Approval Resolution of 2014

Intro. 04-28-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Economic Development

PR20-748 Board of Barber and Cosmetology Cynthia M. Wilkins Confirmation Resolution of 2014

Intro. 04-29-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

PR20-749 The Lab School of Washington Revenue Bonds Project Approval Resolution of 2014

Intro. 04-29-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

PR20-750 Two Rivers Public Charter School Inc. Revenue Bonds Project Approval Resolution of 2014

Intro. 04-29-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

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

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

on

Bill 20-572, the “Commission on Health Disparities Establishment Act of 2013”

**Friday, May 30, 2014
12:00 p.m., Room 500, 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 hearing on Bill 20-572, the “Commission on Health Disparities Establishment Act of 2013”. The hearing will take place at 12:00 p.m. on Friday, May 30, 2014 in Room 500 of the John A. Wilson Building.

The purpose of this bill is to establish a Commission on Health Disparities to examine health disparities in the District, produce reports on their findings and advise the Department of Health, the Council of the District of Columbia and the Mayor, on the best ways to address health disparities that exist in the District of Columbia.

Those who wish to testify should contact Rayna Smith, Committee Director to the Committee on Health, at 202-741-2111 or via e-mail at rsmith@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Wednesday, May 28, 2014. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on Wednesday, May 28, 2014, 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.

For those unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements can be emailed to rsmith@dccouncil.us or mailed to Rayna Smith at the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Room 115, Washington, D.C., 20004. The record will close at 5:00 p.m. on Friday, June 13, 2014.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HEALTH
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY
NOTICE OF JOINT PUBLIC HEARING**
1350 Pennsylvania Avenue, NW, Washington, D.C. 20004

**COUNCILMEMBER YVETTE M. ALEXANDER
COMMITTEE ON HEALTH**

AND

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

ANNOUNCE A JOINT PUBLIC HEARING

on

BILL 20-678, the “MEDICAL MARIJUANA PLANT CULTIVATION AMENDMENT ACT OF 2014” and BILL 20-766, the “MEDICAL MARIJUANA EXPANSION AMENDMENT ACT OF 2014

**Thursday, June 12, 2014
11 a.m., Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

Councilmember Yvette M. Alexander, Chairperson of the Committee on Health, and Councilmember Tommy Wells, Chairperson of the Committee on the Judiciary and Public Safety, announce a joint public hearing to be held at 11 a.m. on Thursday, June 12, 2014 in Room 412 of the John A. Wilson Building. The purpose of the public hearing is to receive testimony on Bills 20-678 and 20-766.

Bill 20-678 would amend the Legalization of Marijuana for Medical Treatment Initiatives of 1999 to increase the number of living marijuana plants medical marijuana cultivation centers can possess at any time. The bill may be viewed online at <http://lims.dccouncil.us/Legislation/B20-0678>. Bill 20-766 would amend the Legalization of Marijuana for Medical Treatment Initiatives of 1999 to expand the definition of a qualifying medical condition to allow physicians to determine whether a patient would benefit from medical marijuana treatment. The bill may be viewed online at <http://lims.dccouncil.us/Legislation/B20-0766>.

The Committee invites the public to testify. Individuals and representatives of organizations who wish to testify should contact Nicole Goines at 724-7808 or ngoines@dccouncil.us, and furnish their name, address, telephone number, and organizational affiliation, if any, by 5 p.m. on Tuesday, June 10, 2014. Witnesses should bring 15 copies of their testimony. Testimony may be limited to 3 minutes. For those 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 p.m. on Monday, June 19, 2014 to Ms. Goines, Committee on the Judiciary and Public Safety, Room 109, 1350 Pennsylvania Ave., NW, Washington, D.C., 20004, or via email at ngoines@dccouncil.us.

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

REVISED

NOTICE OF PUBLIC HEARING ON

Bill 20-753, the Transportation Network Services Innovation Act of 2014

Monday, May 12, 2014
at 11:00 a.m.
in Room 500 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Monday, May 12, 2014, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public oversight roundtable on Bill 20-753, the Transportation Network Services Innovation Act of 2014. 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 May 22, 2014.

This hearing notice is revised to reflect a change in the room.

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

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

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

ANNOUNCES A PUBLIC ROUNDTABLE ON:

PR 20-734, the "National Presbyterian School, Inc. Revenue Bonds Project Approval Resolution of 2014"

PR 20-749, the "Lab School of Washington Revenue Bonds Project Approval Resolution of 2014"

PR 20-750, the "Two Rivers Public Charter School Inc. Revenue Bonds Project Approval Resolution of 2014"

Thursday, May 22, 2014

9:00 a.m.

Room 120 - John A. Wilson Building

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

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public roundtable to be held on Thursday, May 22, 2014 at 9:00 a.m. in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

PR 20-734, the "National Presbyterian School, Inc. Revenue Bonds Project Approval Resolution of 2014" will authorize and provide for the issuance, sale and delivery in an aggregate principal amount not to exceed \$5 million of the District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist National Presbyterian School, Inc. in the financing, refinancing or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act. The project is located at 4121 Nebraska Ave, N.W., in Ward 4.

PR 20-749, the "Lab School of Washington Revenue Bonds Project Approval Resolution of 2014" will authorize and provide for the issuance, sale and delivery in an aggregate principal amount not to exceed \$18,235,000 of the District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist the Lab School of Washington in the financing, refinancing or reimbursing of cost associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act. The project is located at 4759 Reservoir Road, N.W., in Ward 3.

PR 20-750, the "Two Rivers Public Charter School Inc. Revenue Bonds Project Approval Resolution of 2014" will authorize and provide for the issuance, sale and delivery in an aggregate principal amount not to exceed \$13 million of the District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist Two Rivers Public Charter School Inc., in the financing, refinancing or reimbursing of cost associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act. The project is located at 1227 4th Street, N.E., in Ward 6.

COUNCIL OF THE DISTRICT OF COLUMBIA
CONSIDERATION OF TEMPORARY LEGISLATION

B20-745, “Vending Regulations Temporary Amendment Act of 2014”, **B20-748**, “Educator Evaluation Data Collection Temporary Amendment Act of 2014”, **B20-776**, “Health Benefit Exchange Authority Financial Sustainability Temporary Amendment Act of 2014”, **B20-786**, “Workers Compensation Statute of Limitations Temporary Amendment Act of 2014” and **B20-789**, “Better Prices, Better Quality, Better Choices for Health Coverage Temporary Amendment Act of 2014” were adopted on first reading on May 6, 2014. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on June 3, 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Request

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

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

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

Reprog. 20-177: Request to reprogram \$620,000 of Fiscal Year 2014 Local funds budget authority within the Department of General Services (DGS) was filed in the Office of the Secretary on May 1, 2014. This reprogramming will fund two Memoranda of Understanding that cover the cost of legal services performed by four attorneys, three support staff, and administrative items for the Office of the Attorney General (\$613,674); and the cost of a financial specialist for the Office of Finance and Resource Management (\$65,000)

RECEIVED: 14 day review begins May 2, 2014

Reprog. 20-178: Request to reprogram \$1,191,562 of Capital funds budget and allotment within the District Department of Transportation (DDOT) was filed in the Office of the Secretary on May 1, 2014. This reprogramming is needed to upgrade the W Street modular office to house DDOT Street and Bridge Maintenance employees, and to provide additional funding for the local city sidewalk repair project to correct ADA sidewalk issues.

RECEIVED: 14 day review begins May 2, 2014

Reprog. 20-179: Request to reprogram \$979,674 of Fiscal Year 2014 Local funds budget authority within the Department of Motor Vehicles (DMV) was filed in the Office of the Secretary on May 1, 2014. This reprogramming ensures that DMV is able to the necessary Information Technology related expenses pertaining to the Licensing/registration system.

RECEIVED: 14 day review begins May 2, 2014

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, MAY 14, 2014
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Ruthanne Miller, Chairperson
Members: Nick Alberti, Donald Brooks, Herman Jones
Mike Silverstein, Hector Rodriguez, James Short

Protest Hearing (Status) Case # 14-PRO-00028; Andy Lee Liquors, Inc., t/a To be Determined, 914 H Street NE, License #93550, Retailer A, ANC 6A New Application	9:30 AM
Protest Hearing (Status) Case # 14-PRO-00027; Terminal Alley, LLC, t/a Terminal Alley, 3701 Benning Road NE, License #93986, Retailer CT, ANC 7F New Application	9:30 AM
Protest Hearing (Status) Case # 14-PRO-00014; 1215 CT, LLC, t/a Rosebar, 1215 Connecticut Ave NW License #77883, Retailer CT, ANC 2B Renewal Application-(Re-Placard)	9:30 AM
Protest Hearing (Status) Case # 14-PRO-00019; The Blagden Alley Entertainment, LLC, t/a The American, 1209 10th Street NW, License #92766, Retailer CR, ANC 2F New Application	9:30 AM
Show Cause Hearing (Status) Case # 13-AUD-00003; Astede Corporation, t/a Nile Market & Kitchen, 7815 Georgia Ave NW, License #60432, Retailer CR , ANC 4B Violation of Settlement Agreement	9:30 AM
Fact Finding Hearing Temporary License Application, Event: Washington Area Bicyclist Association Dates of Event: May 30-31, 2014, Applicant: Michelle K. Cleveland, Neighborhood: The Yards Park, 355 Water Street, SE, 5,000 attendees	9:30 AM

Board's Calendar

May 14, 2014

Show Cause Hearing

10:00 AM

Case # 13-CMP-00501; Acacia Skylan, Inc., t/a Acacia Wellness Bistro, 4340 Connecticut Ave NW, License #80916, Retailer CR, ANC 3F

Failed to Post License in a Conspicuous Place

Show Cause Hearing

11:00 AM

Case # 12-CMP-00228; Soloman Enterprises, LLC, t/a Climax Restaurant and Hookah Bar, 900 Florida Ave NW, License #88290, Retailer CT, ANC 1B

Failed to Comply with Board Order No. 2013-370

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA

1:00 PM

Protest Hearing

1:30 PM

Case # 14-PRO-00021; Pulse Nightclub, LLC, t/a Pulse Nightclub, 2142 Queens Chapel Road NE, License #94074, Retailer CN, ANC 5C

New Application

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

**NOTICE OF PUBLIC HEARINGS
CALENDAR**

**THURSDAY, MAY 15, 2014
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009**

**Ruthanne Miller, Chairperson
Members: Nick Alberti, Donald Brooks, Herman Jones
Mike Silverstein, Hector Rodriguez, James Short**

Fact Finding Hearing* David Sakai, t/a International House of Pong, 1010 Wisconsin Ave NW, License #84905, Retailer CR, ANC 2E License in Extended DCMR 23-405 Status	9:30 AM
Fact Finding Hearing* Cherches, LLC, t/a Grace Bamboo; 3206 Grace Street NW, License #75733 Retailer CR, ANC 2E License in Extended Safekeeping	10:00 AM
Fact Finding Hearing* The Berlin Group, LLC, t/a Lapis; 1032-1034 Wisconsin Ave NW, License #85260, Retailer CR, ANC 2E License in Extended DCMR 23-405 Status	10:30 AM
Fact Finding Hearing* DTRS Washington, LLC, formerly-The Williamsburg; 3400 K Street NW License #79139, Retailer CR, ANC 2E License in Extended Safekeeping	11:00 AM
Fact Finding Hearing* Potomac Restaurant Associates, Inc., t/a Pizzeria Uno; 3211 M Street NW License #3854, Retailer CR, ANC 2E License in Extended Safekeeping	11:30 AM
BOARD RECESS AT 12:00 PM	
Fact Finding Hearing* Hu's Wear, LLC, t/a Hu's Wear; 1132 29th Street NW, License #84908, Retailer CR, ANC 2E License in Extended DCMR 23-405 Status	1:00 PM

Board's Calendar

May 15, 2014

Fact Finding Hearing*

1:30 PM

Best Wings, Inc., t/a Blue Gin; 1206 Wisconsin Ave NW, License #17458

Retailer CT, ANC 2E

License in Extended Safekeeping

Fact Finding Hearing*

2:00 PM

Capital Restaurant Concepts, Ltd, t/a River Club; 3223 K Street NW, License

#10299, Retailer CR, ANC 2E

License in Extended Safekeeping

Fact Finding Hearing*

2:30 PM

R & A Restaurant Development Company Georgetown, LLC, t/a Five Guys

1335 Wisconsin Ave NW, License #71127, Retailer CR, ANC 2E

License in Extended Safekeeping

Fact Finding Hearing*

3:00 PM

3001 M Street NW, LP, t/a Fino; 3011 M Street NW, License #92491, Retailer

CR, ANC 2E

License in Extended Safekeeping

Fact Finding Hearing*

3:30 PM

Rugby Café, LLC., t/a Rugby Café; 1065 Wisconsin Ave NW, License #75703

Retailer CR, ANC 2E

License in Extended Safekeeping

Fact Finding Hearing*

4:00 PM

Eastbanc, Inc., t/a Eastbanc; 3307 M Street NW, License #76154, Retailer CR

ANC 2E

License in Extended Safekeeping

Fact Finding Hearing*

4:30 PM

Bangkok, Inc., t/a Machu Picchu; 3263 M Street NW, License #8309, Retailer

CR, ANC 2E

License in Extended Safekeeping

Fact Finding Hearing*

5:00 PM

Ching, LLC, t/a So Mi; 1425 Wisconsin Ave NW, License #N/A, Retailer CR

ANC 2E

New Application

Fact Finding Hearing*

5:30 PM

FR&LH, LLC, t/a (Trade Name to Be Determined); 1515 Wisconsin Ave NW

License #N/A, Retailer CR, ANC 2E

New Application

Board's Calendar

May 15, 2014

Fact Finding Hearing*

AN& JM, LLC, t/a (Trade Name to Be Determined); 1513 Wisconsin Ave NW

License #N/A, Retailer CR, ANC 2E

New Application

6:00 PM

***The Board will hold a closed meeting for purposes of deliberating these hearings pursuant to D.C. Official Code §2-574(b)(13).**

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

Posting Date: May 9, 2014
Petition Date: June 23, 2014
Hearing Date: July 7, 2014
Protest Date: August 13, 2014

License No.: ABRA-095111
Licensee: Angelika Film Center Union Market, LLC
Trade Name: Angelika Pop-Up!
License Class: Retailer's Class "C" Tavern
Address: 550 Penn Street, NE
Contact: Paul Pascal 202-544-2200

WARD 5

ANC 5D

SMD 5D01

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 4:30 pm on August 13, 2014.

NATURE OF OPERATION

Movie Theater serving snacks with 150 seats. Total occupancy load of 296.

HOURS OF OPERATION

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

HOURS OF ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION

Sunday through Thursday 8 am – 2 am and Friday & Saturday 8 am – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

RE-ADVERTISEMENT

Posting Date: May 9, 2014
Petition Date: June 23, 2014
Roll Call Hearing Date: July 7, 2014
Protest Hearing Date: August 13, 2014

License No.: ABRA-094523
Licensee: Citymarket Hotel Development LLC
Trade Name: Cambria Suites Washington City Market
License Class: Retailer’s Class “C” Hotel
Address: 899 O Street NW
Contact: Stephen O’Brien, Esq., 202-625-7700

WARD 6 ANC 6E SMD 6E01

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for August 13, 2014 at 4:30pm.

NATURE OF OPERATION

New 182 room hotel with accessory food service providing breakfast, lunch, and dinner. The hotel will occasionally provide live entertainment for special events such as weddings in the form of DJs or other musical acts. No nude performances. Summer Garden with seating for 65 patrons.

HOURS OF OPERATION

Sunday through Saturday 24 hours

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

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

HOURS OF OPERATION, ALCOHOLIC BEVERAGE SALES/SERVICE/ CONSUMPTION AND LIVE ENTERTAINMENT FOR THE SUMMER GARDEN

Sunday through Saturday 8am-11pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: May 9, 2014
Petition Date: June 23, 2014
Roll Call Hearing Date: July 7, 2014
Protest Hearing Date: August 13, 2014

License No.: ABRA-094523
Licensee: Citymarket Hotel Development LLC
Trade Name: Cambria Suites Washington City Market
License Class: Retailer’s Class “C” Hotel
Address: 899 O Street NW
Contact: Stephen O’Brien, Esq., 202-625-7700

WARD 6 ANC 6E SMD 6E01

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for August 13, 2014 at 1:30pm.

NATURE OF OPERATION

New 182 room hotel with accessory food service providing breakfast, lunch, and dinner. The hotel will occasionally provide live entertainment for special events such as weddings in the form of DJs or other musical acts. No nude performances. Summer Garden with seating for 65 patrons.

HOURS OF OPERATION

Sunday through Saturday 24 hours

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE AND CONSUMPTION

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

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

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

HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES AND SUMMER GARDEN

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

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

Posting Date: May 9, 2014
Petition Date: June 23, 2014
Hearing Date: July 7, 2014
Protest Hearing Date: August 13, 2014

License No.: ABRA-094587
Licensee: City Corner Inc.
Trade Name: City Corner Inc.
License Class: Retailer's Class "B" 25 Percent Grocery
Address: 2601 Sherman Avenue, NW
Contact: Michelle Chen 301-519-3528

WARD 1

ANC 1B

SMD 1B03

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for August 13, 2014 at 4:30 pm.

NATURE OF OPERATION

Beer and Wine Grocery Store

HOURS OF OPERATION

Sunday through Saturday 9 am – 9 pm

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Saturday 9 am – 9 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: May 9, 2014
Petition Date: June 23, 2014
Hearing Date: July 7, 2014
License No.: ABRA-093572

Licensee: Kat, LLC
Trade Name: Cloud Restaurant & Lounge
License Class: Retailer's Class "C" Tavern
Address: 1919 9th Street NW
Phone: Tesfit Kifly: 703-629-0952

WARD 1

ANC 1B

SMD 1B02

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 NATURE OF OPERATIONS:

Increase in capacity from 50 to 122 people

CURRENT HOURS OF OPERATION

Sunday through Saturday 11 am to 6 am

HOURS OF ALCOHOLIC BEVERAGE SALES/CONSUMPTION

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

HOURS OF LIVE ENTERTAINMENT OCCURING OR CONTINUING AFTER 6:00PM

Sunday through Thursday 6 pm - 2 am Friday and Saturday 6 pm - 3am

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

Posting Date: May 9, 2014
Petition Date: June 23, 2014
Hearing Date: July 7, 2014

License No. ABRA-077730
Licensee: Caribbean Vibes, Inc.
Trade Name: Club Timehri
License Class: Retailer's Class "C" Tavern
Address 2439 18th Street, NW

WARD: 1

ANC: 1C

SMD: 1C07

The Alcoholic Beverage Regulation Administration (ABRA) provides notice that the licensee has filed a petition to amend or terminate the settlement agreement or settlement agreements attached to its license.

The current parties to the agreement(s) are: ANC 1C and Club Timehri, Inc.

The petition may be obtained by contacting ABRA's Public Information Office at 202-442-4423.

Any objectors are entitled to be heard before the granting of such a request on the Hearing Date at 1:30 pm, 2000 14th Street, N.W., 400 South, Washington, D.C., 2000. Petitions or requests to appear before the Board must be filed on or before the Petition Date.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING******Re-Advertisement**

Posting Date: May 9, 2014
Petition Date: June 23, 2014
Hearing Date: July 7, 2014
Protest Date: August 13, 2014

License No.: ABRA-095041
Licensee: Grand Cata, LLC
Trade Name: Grand Cata
License Class: Retailer's Class "A"
Address: 440 K Street, NW
Contact: Emanuel Mpras, Esq. 703-642-9042

WARD 6

ANC 6E

SMD 6E05

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 4:30 pm on August 13, 2014.

NATURE OF OPERATION

Liquor Store with a tasting permit

HOURS OF OPERATION

Sunday through Saturday 7 am – 12 am

HOURS OF ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION AND TASTING

Sunday through Saturday 7 am – 12 am

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

Posting Date: May 2, 2014
Petition Date: June 16, 2014
Hearing Date: June 30, 2014
Protest Date: August 13, 2014

License No.: ABRA-095041
Licensee: Grand Cata, LLC
Trade Name: Grand Cata
License Class: Retailer's Class "A"
Address: 440 K Street, NW
Contact: Emanuel Mpras, Esq. 703-642-9042

WARD 6

ANC 6E

SMD 6E05

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 4:30 pm on August 13, 2014.

NATURE OF OPERATION

Liquor Store with a tasting permit

HOURS OF OPERATION

Sunday through Saturday 7 am – 12 am

HOURS OF ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION AND TASTING

Sunday through Saturday 7 am – 12 am

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

Posting Date: May 9, 2014
Petition Date: June 23, 2014
Hearing Date: July 7, 2014
Protest Date: August 13, 2014

License No.: ABRA-095042
Licensee: Laliguras DC, LLC
Trade Name: Laliguras Indian & Nepali Bistro
License Class: Retailer's Class "A"
Address: 4221 Connecticut Ave., NW
Contact: Andrew Kline, Esq. 202-686-7600

WARD 3

ANC 3F

SMD 3F02

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 4:30 pm on August 13, 2014.

NATURE OF OPERATION

Restaurant serving Indian and Nepalese food with a seating capacity for 73 patrons. Total occupancy load of 150. Sidewalk café with 12 seats.

HOURS OF OPERATION FOR INSIDE PREMISE AND OUTSIDE SIDEWALK CAFE

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

HOURS OF ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION FOR INSIDE PREMISE AND OUTSIDE SIDEWALK CAFÉ

Sunday through Thursday 8 am – 2 am, Friday & Saturday 8 am – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: May 9, 2014
Petition Date: June 23, 2014
Hearing Date: July 7, 2014

License No.: ABRA-079090
Licensee: LMW, LLC
Trade Name: Little Miss Whiskey's Golden Dollar
License Class: Retail Class "CT"
Address: 1104 H Street, NE
Contact: Mark Thorpe 202-438-0394

WARD 6 ANC 6A SMD 6A01

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

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

Change of Hours Request to the Summer Garden

APPROVED HOURS OF OPERATION/SUMMER GARDEN

Sunday through Thursday 10 am - 11 pm
Friday through Saturday 10 am - 12 am

APPROVED HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION/SUMMER GARDEN

Sunday through Thursday 10 am - 11 pm
Friday through Saturday 10 am - 12 am

PROPOSED HOURS OF OPERATION/SUMMER GARDEN

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

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION/SUMMER GARDEN

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/9/2014

Notice is hereby given that:

License Number: ABRA-087030

License Class/Type: C Tavern

Applicant: Kiel, LLC

Trade Name: Mova

ANC: 1B

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

2204 14TH ST NW, WASHINGTON, DC 20009

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

6/23/2014

HEARING WILL BE HELD ON

7/7/2014

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

ENDORSEMENTS: Cover Charge, Dancing, Entertainment, Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 2 am	10 am - 2 am	6 pm - 2 am
Monday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Thursday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Friday:	8 am - 3 am	8 am - 3 am	6 pm - 3 am
Saturday:	8 am - 3 am	8 am - 3 am	6 pm - 3 am

Days	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	8 am - 2 am	10 am - 2 am
Monday:	8 am - 2 am	8 am - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am
Thursday:	8 am - 2 am	8 am - 2 am
Friday:	8 am - 3 am	8 am - 3 am
Saturday:	8 am - 3 am	8 am - 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

CORRECTION

Posting Date: May 2, 2014
 Petition Date: June 16, 2014
 Hearing Date: June 30, 2014
 Protest Hearing Date: August 13, 2014

License No.: ABRA-095033
 Licensee: Mythology, LLC
 Trade Name: Mythology & Lore*
 License Class: Retailer's Class "C" Tavern
 Address: 816 H Street, NE
 Contact: Edward S. Grandis 202-234-8950

WARD 6

ANC 6A

SMD 6A01

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for August 13, 2014 at 4:30 pm.

NATURE OF OPERATION

This is new Retail Class "C" Tavern. The establishment is a modern white table cloth chop house on the first floor providing steaks, seafood and vegetarian options with a significant dessert menu. There will be two kitchens. One on the first floor, and one on the second floor to execute the lounge menu. Menus will be offered up to an hour before closing. Lounge operations are on the 2nd, 3rd, and 4th floors. Third floor will include collapsible doors that open to a summer garden with the back of the garden enclosed by a two story wall. Dance floor will be 15 feet by 10 feet and located on the H Street side of the 2nd floor. The number of seats is 150 and the total occupancy load is 160. The rooftop Summer Garden has split-level seating with entertainment for 32 seats; 70 person load.

HOURS OF OPERATION/HOURS OF ALCOHOLIC BEVERAGE SALES/INSIDE AND THE SUMMER GARDEN

Sunday through Thursday 11 am -2 am Friday and Saturday 11 pm -3 am

HOURS OF LIVE ENTERTAINMENT OCCURRING OR CONTINUING AFTER 6 PM INSIDE

Sunday through Thursday 6 pm - 2 am, Saturday 6 pm - 3 am

HOURS OF LIVE ENTERTAINMENT OCCURRING OR CONTINUING AFTER 6 PM ON THE SUMMER GARDEN

Sunday through Saturday 6 pm - 2 am

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

Posting Date: May 2, 2014
Petition Date: June 16, 2014
Hearing Date: June 30, 2014

License No.: ABRA-060131
Licensee: Restaurant Enterprises, Inc.
Trade Name: Smith Point
License Class: Retail Class "CR"
Address: 1338 Wisconsin Avenue, NW
Contact: Andrew Kline (202) 686-7600**

WARD 2

ANC 2E

SMD 2E03

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

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

Request a Class Change from Class CR license to Class CT license

HOURS OF OPERATION

Sunday through Thursday 8 am – 1:30 am
Friday through Saturday 8 am – 2:30 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday 11 am – 1:30 am
Monday through Wednesday 5 pm- 1:30 am
Thursday- Saturday 11 am – 2:30 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: May 9, 2014
 Petition Date: June 23, 2014
 Roll Call Hearing Date: July 7, 2014
 Protest Hearing Date: August 13, 2014

License No.: ABRA-095109
 Licensee: The Pitch LLC
 Trade Name: The Pitch
 License Class: Retailer’s Class “C” Tavern
 Address: 4015 Georgia Avenue, NW
 Contact: Jeff Jackson: 202-251-1566

WARD 4 ANC 4C SMD 4C07

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Roll Call Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on August 13, 2014 at 4:30 pm.

NATURE OF OPERATION

This will be a lounge that will provide entertainment and American/Jamaican Food. The entertainment will be a jazz band, open mic, dancing and DJ. Total occupancy load is 50, Sidewalk Café seats 8, Summer Garden Café seats 6.

HOURS OF OPERATION

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

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

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

SIDEWALK CAFE AND SUMMER GARDEN HOURS OF OPERATION

Sunday through Thursday: 8am-10pm, Friday & Saturday: 8am – 12am

SIDEWALK CAFÉ AND SUMMER GARDEN HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday: 8am-10pm, Friday & Saturday: 8am-12am

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

Posting Date: May 9, 2014
Petition Date: June 23, 2014
Roll Call Hearing Date: July 7, 2014
Protest Hearing Date: August 13, 2014

License No.: ABRA-093610
Licensee: Good Essen-U Street, LLC
Trade Name: Tico
License Class: Retailer's Class "C" Restaurant
Address: 1926 14th Street, NW
Contact: Andrew Kline: 202-686-7600

WARD 2

ANC 2B

SMD 2B09

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Roll Call Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on August 13, 2014 at 4:30 pm.

NATURE OF OPERATION

Restaurant serving Mexican food. No Nude performances. No Dancing.
No Entertainment. Occupancy Load 250. Seating 150.

HOURS OF OPERATION

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

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

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

**MAYOR'S AGENT
FOR THE HISTORIC LANDMARK AND HISTORIC DISTRICT PROTECTION ACT
REVISED NOTICE OF PUBLIC HEARING**

Public notice is hereby given that the Mayor's Agent will hold a public hearing on an application affecting property subject to the Historic Landmark and Historic District Protection Act of 1978. Interested parties may appear and testify on behalf of, or in opposition to, the application. The hearing will be held at the Office of Planning, 1100 4th Street SW, Suite E650.

Hearing Date: **Monday, May 12, 2014 at 11:30 a.m.**
Case Numbers: H.P.A. 14-221 and 14-222
Address: 2234 and 2238 Martin Luther King Jr. Avenue (and 1328 W Street) SE
Squares/Lots: Square 5802, Lots 811 and 978 (and Square 5781, Lot 847)
Applicants: Chapman Development and the District of Columbia Department of Housing and Community Development
Type of Work: Raze/move – Relocation of two contributing buildings to another lot in order to construct a new building on their sites

Affected Historic Property: Anacostia Historic District
Affected ANC: 8A

The Applicant's claim is that the "issuance of the permit to relocate the buildings is 'necessary in the public interest because it is necessary to construct a project of special merit' and '[t]hat the issuance of the permit or admission of the subdivision to record is necessary in the public interest because it is consistent with the purposes of the Act as set forth in D.C. Official Code § 6-1101(b)."

Please note: the start time for the hearing has been moved to 11:30 a.m. (two hours earlier than the original start time of 1:30 p.m.).

The hearing will be conducted in accordance with the Rules of Procedure pursuant to the Historic Landmark and Historic District Protection Act (Title 10C DCMR Chapters 4 and 30), which are on file with the D.C. Historic Preservation Office and posted on the Office website under "Regulations."

Interested persons or parties are invited to participate in and offer testimony at this hearing. Any person wishing to testify in support of or opposition to the application may appear at the hearing and give evidence without filing in advance. However, any affected person who wishes to be recognized as a party to the case is required to file a request with the Mayor's Agent at least ten working days prior to the hearing. This request shall include the following information: 1) his or her name and address; 2) whether he or she will appear as a proponent or opponent of the application; 3) if he or she will appear through legal counsel, and if so, the name and address of legal counsel; and 4) a written statement setting forth the manner in which he or she may be affected or aggrieved by action upon the application and the grounds upon which he or she supports or opposes the application. Any requests for party status should be sent to the Mayor's Agent at 1100 4th Street SW, Suite E650, Washington, D.C. 20024. For further information, contact the Historic Preservation Office, at (202) 442-8800.

**MAYOR'S AGENT
FOR THE HISTORIC LANDMARK AND HISTORIC DISTRICT PROTECTION ACT**

NOTICE OF PUBLIC HEARING

Public notice is hereby given that the Mayor's Agent will hold a public hearing on an application affecting property subject to the Historic Landmark and Historic District Protection Act of 1978. Interested parties may appear and testify on behalf of, or in opposition to, the application. The hearing will be held at the Office of Planning, 1100 4th Street SW, Suite E650.

Hearing Date: **Thursday, June 12, 2014 at 11:00 a.m.**
Case Number: H.P.A. 14-322
Address: 3500 R Street NW
Square/Lot: Square 1293, Lot 803
Applicant: District of Columbia Department of General Services, District of Columbia
Public Schools, Lance Bailey & Associates and Cox Graae + Spack
Type of Work: Partial demolition/demolition in significant part

Affected Historic Property: Western High School (Duke Ellington School of the Arts)
Affected ANC: 2E

The Applicants' claim is that the demolition is necessary to construct a project of special merit.

The hearing will be conducted in accordance with the Rules of Procedure pursuant to the Historic Landmark and Historic District Protection Act (Title 10C DCMR Chapters 4 and 30), which are on file with the D.C. Historic Preservation Office and posted on the Office website under "Regulations."

Interested persons or parties are invited to participate in and offer testimony at this hearing. Any person wishing to testify in support of or opposition to the application may appear at the hearing and give evidence without filing in advance. However, any affected person who wishes to be recognized as a party to the case is required to file a request with the Mayor's Agent at least ten working days prior to the hearing. This request shall include the following information: 1) his or her name and address; 2) whether he or she will appear as a proponent or opponent of the application; 3) if he or she will appear through legal counsel, and if so, the name and address of legal counsel; and 4) a written statement setting forth the manner in which he or she may be affected or aggrieved by action upon the application and the grounds upon which he or she supports or opposes the application. Any requests for party status should be sent to the Mayor's Agent at 1100 4th Street SW, Suite E650, Washington, D.C. 20024. For further information, contact the Historic Preservation Office, at (202) 442-8800.

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

TIME AND PLACE: **Thursday, June 26, 2014, at 6:30 p.m.**
 Jerrily R. Kress Memorial Hearing Room
 441 4th Street, N.W., Suite 220-S
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 10-32B Georgetown University – Proton Therapy Addition

THIS CASE IS OF INTEREST TO ANC 2E

Application of President and Directors of Georgetown College (Georgetown University), pursuant to 11 DCMR § 3104.1, for amendment to the 2010-2017 Campus Plan and further processing of the 2010-2017 Campus Plan, to permit the construction of a new Proton Therapy addition to the Lombardi Cancer Center on the University’s Main Campus, located at 3800 Reservoir Road, N.W. (Square 1321, Lot 817). The proposed Proton Therapy addition is located in the interior of the campus to the south of the Lombardi Cancer Center and to the north of the Leavey Center.

PLEASE NOTE:

- * Failure of the Applicant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Commission.
- * Failure of the Applicant to be adequately prepared to present the application to the Commission, and address the required standards of proof for the application, may subject the application to postponement, dismissal, or denial.

The public hearing in this case will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, Zoning. Pursuant to § 3117.4 of the Regulations, the Commission will impose time limits on the testimony of all individuals.

How to participate as a witness:

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

Z.C. NOTICE OF PUBLIC HEARING
 Z.C. CASE NO. 10-32B
 PAGE 2

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3106.2.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations. If you are still unsure of what it means to participate as a party and would like more information on this, please contact the Office of Zoning at dcoz@dc.gov or at (202) 727-6311.

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.

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.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

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.

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. Written statements may be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001;

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 10-32B
PAGE 3

by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **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.

OFFICE OF TAX AND REVENUE**NOTICE OF FINAL RULEMAKING**

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR) of the Office of the Chief Financial Officer, pursuant to the authority set forth in Section 317 of the District of Columbia Deed Recordation Tax Act of 1962, approved March 2, 1962, as amended (76 Stat. 11; D.C. Official Code § 42-1117 (2012 Repl.)); Section 2(c)(3) of the District of Columbia Recordation of Economic Interests in Real Property Tax Amendment Act of 1989, effective September 9, 1989 (D.C. Law 8-20; 36 DCR 4564 (June 30, 1989)); Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019; Pub.L. 109-356, D.C. Official Code § 1-102.24d (2012 Repl.)); and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby amends Chapter 5, TAX ON RECORDATION OF DEEDS, of Title 9, TAXATION AND ASSESSMENTS, of the District of Columbia Municipal Regulations (DCMR), by amending Sections 501 through 526.

The amended rules update the regulations to reflect current law and eliminate obsolete provisions. The regulations generally reflect the section numbers at which the various provisions of the District of Columbia Real Estate Deed Recordation Tax Act of 1962 were codified in the 1981 edition of the District of Columbia Code. These provisions were re-codified in the 2001 edition of the District of Columbia Official Code. In the 2001 edition, the statutes governing the recordation tax were moved to Chapter 11 of Title 42 of the District of Columbia Official Code, which resulted in the renumbering of each of these provisions. As a result, the statutory citations in the regulations no longer reflect the current codification of the statute. The regulations are amended to update these statutory references so that they reflect the current codification of the District's laws.

Other statutory provisions have been amended subsequent to the issuance of the regulations. For instance, tax is now imposed on recorded instruments relating to leases with a term of 30 years or more, whereas at the time the relevant regulations were drafted, tax was imposed only on documents relating to leases with a term of 99 years or more. The regulations accordingly are now updated to reflect the current provisions of the statutes. Additionally, certain provisions of the regulations are clarified or restated in light of court rulings, such as *Columbia Realty Venture v. District of Columbia*, 433 A.2d 1075 (D.C. 1981), made subsequent to the issuance of certain provisions of the regulations. Finally, certain administrative positions or interpretations of the operative statutes involving particular types of recurring transactions are incorporated in the regulations.

Comments from one entity were received and given due consideration. This rulemaking is identical to the Notice of Proposed Rulemaking published in the *D.C. Register* on February 14, 2014 at 61 DCR 1314.

This rulemaking will take effect immediately upon publication of this notice in the *D.C. Register*.

Chapter 5, TAX ON RECORDATION OF DEEDS, of Title 9, TAXATION AND ASSESSMENTS, of the DCMR is amended as follows:

Section 500, General Provisions, is amended as follows:

Subsection 500.1 is amended to read as follows:

500.1 The provisions of this chapter are adopted under authority of § 317 of the District of Columbia Real Estate Deed Recordation Tax Act of 1962, Pub. L. 87-408 (also referred to in this chapter as the “Act”), as amended (D.C. Official Code § 42-1117 (2001 ed.)).

In Subsection 500.5, strike the phrase “a person” each place that it appears and insert the phrase “an individual” in its place.

Subsection 500.8 is amended to read as follows:

500.8 For purposes of the Recordation of Economic Interests Act, the phrase “Holds real property” means the ownership by, or lease or ground rent for a term (with renewals) of at least thirty (30) years to, a corporation, partnership, association, trust or other entity of real property located in the District of Columbia.

A new Subsection 500.9 is added to read as follows:

500.9 For purposes of the Act, the term “refinance” does not include the issuance of a new series of bonds secured by an indenture that also secures previously issued bonds.

Section 501, Exemptions from the Recordation Tax, is amended as follows:

Subsection 501.1 is amended to read as follows:

501.1 The only allowable exemptions from the recordation tax are those enumerated in § 302 of the Act (D.C. Official Code § 42-1102) or otherwise expressly provided by statute.

Subsection 501.2 is amended to read as follows:

501.2 The denial of an exemption applied for under the authority of § 302 of the Act (D.C. Official Code § 42-1102) may be appealed to the Superior Court of the District of Columbia within 6 months of the date on which the Recorder of Deeds mails written denial of the exemption, in the same manner as is provided for the appeal of a denial of a real property tax exemption applied for under the authority of D.C. Official Code § 47-1009.

In Subsection 501.3, strike the word “transferred” and insert the word “acquired” in its place; and strike the phrase “D.C. Code § 45-922(2)” and insert the phrase “D.C. Official Code § 42-1102(2)” in its place.

Section 502, Payment of the Recordation Tax, is amended as follows:

Subsection 502.1 is amended by adding at the end thereof a new sentence to read as follows:

“Deeds are required to be recorded as provided by D.C. Official Code § 47-1431.”

A new Subsection 502.1a is added to read as follows:

502.1a The Act applies to deeds reflecting the transfer of property or an interest in property from one person to another, whether the transfer occurs by conveyance or operation of law, including a transfer resulting from a merger, consolidation, liquidation or reorganization.

In Subsection 502.3, strike the phrase “D.C. Code § 45-924” and insert the phrase “D.C. Official Code § 42-1104” in its place.

In Subsection 502.4, strike the word “302” and insert the word “301(5)” in its place; strike the phrase “D.C. Code § 45-921(5)” and insert the phrase “D.C. Official Code § 42-1101(5)” in its place.

In Subsection 502.5, insert the phrase “the term “estimated market value”” after the phrase “shall have the same meaning as”; strike the phrase “D.C. Code” and insert the phrase “D.C. Official Code” in its place.

In Subsection 502.8, strike the last sentence in each of examples 1, 2 and 3.

In Subsections 502.11 and 502.12, strike the phrase “Code §§ 45-935 and” each place that it appears and insert “Official Code §” in its place.

A new Subsection 502.14 is added to read as follows:

502.14 When a single transaction includes a transfer of property or an interest in property by a deed that is taxed under the Act as well as property or an interest not taxed under the Act, the consideration shall be allocated between the taxed deed and nontaxed property or interest transferred for purposes of assessing the tax on the deed. The allocation shall be made on the recordation tax return and substantiated by documents establishing the agreement of the parties as to the allocation at the time of the transfer. The taxpayer has the burden of establishing the amount of consideration allocable to any nontaxable property or interest in property. In the absence of an allocation by the taxpayer, all consideration shall be allocated to the

deed, unless otherwise adjusted by the Recorder of Deeds. The Recorder of Deeds shall not be bound by any allocation made on a recordation tax return and may adjust the allocation on audit.

A new Subsection 502.15 is added to read as follows:

502.15 When a deed which conveys interests in real property located both within and outside the District of Columbia, the consideration for the deed or the amount of debt secured shall be allocated between the two categories of property, and the tax shall be imposed on the consideration for the deed or the amount of debt secured that is allocable to property within the District. The tax applies to the consideration payable or the amount of the debt secured in the same ratio that the value of the real property that is located in the District bears to the value of the entire property in the deed. The allocation shall be made on the recordation tax return and shall include such substantiation as the Recorder of Deeds shall deem appropriate.

Section 503, Recordation Tax Returns, is amended as follows:

Subsection 503.6 is amended to read as follows:

503.6 If exemption is claimed under § 302(3) of the Act (D.C. Official Code § 42-1102(3)) a copy of the filed real property tax exemption application (Form FP 300) shall accompany the deed at the time of recordation., If exemption is claimed under § 302(4) of the Act (D.C. Official Code § 42-1102(4)), the return shall also show the purpose or purposes for which the property was acquired and shall be accompanied by all documents and other information that the Recorder of Deeds deems necessary to determine the exempt or taxable status of the deed.

Section 505, Extension of Time for Filing Returns, is amended as follows:

The section title is amended by striking the text following “505,” and inserting the word “[Reserved]” in its place. The remainder of the section is repealed.

Section 508, Inspection of Returns and Other Documents Related to Deeds, is amended by adding a new Subsection 508.3 to read as follows:

508.3 The Recorder of Deeds or the Deputy Chief Financial Officer may disclose returns or information reported on returns to a contractor obligated to the District of Columbia to store documents or information to provide other services related to tax administration to the extent that the disclosure relates to the obligations of the contractor. Returns or return information may also be disclosed to a contractor obligated to the District to incorporate such returns or return information, or to

prepare them for incorporation, into an electronic storage and retrieval system for the use of the District.

Section 511, Deeds Issued Pursuant to Foreclosure Proceedings, is amended as follows:

In Subsections 511.1 and 511.2, strike the phrase “D.C. Code § 45-923” each place that it appears and insert the phrase “D.C. Official Code § 42-1103” in its place.

Section 512, Recordation of Revocable Trust Deeds is amended to read as follows:

512.1 The following deeds shall be exempt from the tax imposed by the Act: (a) a deed by a transferor that conveys bare legal title to the trustee of a revocable trust, without consideration for the transfer, where the transferor is the beneficiary of the trust; (b) a deed to property transferred to a beneficiary of a revocable trust as the result of the death of the grantor of the revocable trust; and (c) a deed to property transferred by the trustee of a revocable trust if the transfer would otherwise be exempt under § 302 of the Act (D.C. Official Code § 42-1102) if made by the grantor of the revocable trust.

Section 513, Uniform Commercial Code (UCC) Articles 9 Filings, is amended as follows:

In Subsection 513.2 strike the phrase “, Located at 515 D Street, NW Washington, DC 20002”.

In Subsection 513.5, strike the phrase “-- located at 515 D Street, NW Washington, DC 20002”.

In Subsection 513.6, strike the word “336.2(b)” and insert the word “336.3” in its place.

Section 517, Transfers of Controlling Interests, is amended as follows:

In Subsection 517.3, strike the word “napital” and insert the word “capital” in its place.

Section 519, Consideration Allocable to Real Property, is amended by adding new Subsection 519.3a to read as follows:

- 519.3a A purchase money mortgage or deed of trust securing indebtedness incurred to acquire an economic interest is exempt from tax if it is:
- (a) Recorded simultaneously with the filing of the economic interest deed; or
 - (b) Executed within 30 days from the date of execution of the economic

interest deed and it is recorded within 30 days from the date of recordation of the economic interest deed.

Section 520, Mergers, Consolidations, and Liquidations, is amended as follows:

Subsection 520.2 is amended by adding at the end thereof a new sentence to read as follows: “However, a liquidating distribution of the real property shall be a taxable transfer under the Act.”.

Section 523, Miscellaneous, is amended as follows:

Subsection 523.1 is amended by inserting the word “ultimate” before the phrase “ownership interest”.

Section 526, Leases, is amended as follows:

The section title is amended by striking the text following “526,” and inserting the word “[Reserved]” in its place. The remainder of the section is repealed.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS**NOTICE OF PROPOSED RULEMAKING**

The District of Columbia Board of Elections, pursuant to the authority set forth in D.C. Official Code § 1-1001.05(a)(14) (2012 Repl.), hereby gives notice of proposed and emergency rulemaking action to adopt amendments to Chapter 10, “Initiative and Referendum”; Chapter 11, “Recall of Elected Officials”; Chapter 14, “Candidate Nominations: Political Party Primaries for Presidential Preference and Convention Delegates”; Chapter 15, “Candidate Nominations: Electors of President and Vice-President”; Chapter 16, “Candidate Nomination: Delegate to the U.S. House of Representatives, Mayor, Chairman, Members of the Council of the District of Columbia, U.S. Senator, U.S. Representative, Members of the State Board of Education, and Advisory Neighborhood Commissioners”; and Chapter 17, “Candidates: Members and Officials of Local Committees of Political Parties and National Committee Persons”, of Title 3, “Elections and Ethics”, of the District of Columbia Municipal Regulations (DCMR).

The amendments to these chapters establish the maximum number of signatures that the Board will consider on nominating and ballot measure petitions, and provide that the Board will accept only the number of petition sheets that bear the maximum number of signatures allowed and will return the petition sheets containing signatures in excess of that number.

The Board gives notice of its intent to take final rulemaking action to adopt these amendments in not fewer than 30 days from the date of publication of this notice in the *D.C. Register*.

Section 1003 (Signature Requirements) of Chapter 10 (Initiative and Referendum) of Title 3 (Elections and Ethics) of the DCMR is amended in its entirety to read as follows:

1003 SIGNATURE REQUIREMENTS

- 1003.1 In order for an initiative or referendum measure to obtain ballot access, it must be supported by a petition filed with the Board that contains the valid signatures of at least five percent (5%) of the registered qualified electors of the District of Columbia, provided that the total number of signatures submitted shall include at least five percent (5%) of the registered qualified electors in at least five (5) of the eight (8) election wards.
- 1003.2 The maximum number of signatures that the Board will accept for filing is two (2) times the minimum number of signatures as required by this section. Working from the first page of a petition that has been serially numbered pursuant to Subsection 1005.2 of this chapter, the Board shall only accept for filing the maximum number of signatures that may be filed pursuant to this section.
- 1003.3 The Board shall use the latest official count of registered qualified electors made at least thirty (30) days prior to submission of the signatures for the particular initiative or referendum measure to determine the minimum number of signatures required for ballot access.

Section 1103 (Signature Requirements) of Chapter 11 (Recall of Elected Officials) of Title 3 (Elections and Ethics) of the DCMR is amended in its entirety to read as follows:

1103 SIGNATURE REQUIREMENTS

- 1103.1 In order for a recall measure to obtain ballot access, it must be supported by a petition filed with the Board that contains the valid signatures of at least ten percent (10%) of the registered qualified electors of the District of Columbia, provided that the total number of signatures submitted shall include ten percent (10%) of the registered electors in at least five (5) of the eight (8) election wards.
- 1103.2 A petition to recall an elected official from a ward shall contain the valid signatures of at least ten percent (10%) of the registered qualified electors of the ward from which the official was elected.
- 1103.3 A petition to recall an elected official from a Single-Member District shall contain the valid signatures of at least ten percent (10%) of the registered qualified electors of the Single-Member District from which the official was elected.
- 1103.4 The maximum number of signatures that the Board will accept for filing with respect to an office is two (2) times the minimum number of signatures as required for that office by this section. Working from the first page of a petition that has been serially numbered pursuant to Subsection 1105.2 of this chapter, the Board shall only accept for filing the maximum number of signatures that may be filed pursuant to this section.
- 1103.5 The Board shall use the latest official count of registered qualified electors made at least thirty (30) days prior to submission of the signatures for the particular recall measure to determine the minimum number of signatures required for ballot access.

Section 1403 (Signature Requirements) of Chapter 14 (Candidate Nominations: Political Party Primaries for Presidential Preference and Convention Delegates) of Title 3 (Elections and Ethics) of the DCMR is amended in its entirety to read as follows:

1403 SIGNATURE REQUIREMENTS

- 1403.1 To obtain ballot access, a candidate shall submit a nominating petition that contains, at a minimum, the lesser of:
- (a) One thousand (1,000) valid signatures of registered qualified electors who are registered in the same political party as the candidate(s); or

- (b) The valid signatures of one percent (1%) of registered qualified electors of the District who are registered in the same political party as the candidate(s) as shown by the records of the Board as of the 144th day before the date of the presidential preference primary.

1403.2 The maximum number of signatures that the Board will accept for filing is two (2) times the minimum number of signatures as required by this section. Working from the first page of a petition that has been serially numbered pursuant to Subsection 1405.1 of this chapter, the Board shall only accept for filing the maximum number of signatures that may be filed pursuant to this section.

Section 1503 (Signature Requirements) of Chapter 15 (Candidate Nominations: Electors of President and Vice-President) of Title 3 (Elections and Ethics) of the DCMR is amended in its entirety to read as follows:

1503 SIGNATURE REQUIREMENTS

1503.1 To obtain ballot access, a candidate shall submit a nominating petition that contains the valid signatures of at least one percent (1%) of the registered qualified electors of the District as shown by the records of the Board as of the 144th day before the date of the presidential election.

1503.2 The maximum number of signatures that the Board will accept for filing is two (2) times the minimum number of signatures as required by this section. Working from the first page of a petition that has been serially numbered pursuant to Subsection 1505.1 of this chapter, the Board shall only accept for filing the maximum number of signatures that may be filed pursuant to this section.

Section 1603 (Signature Requirements) of Chapter 16 (Candidate Nomination: Delegate to the U.S. House of Representatives, Mayor, Chairman, Members of the Council of the District of Columbia, U.S. Senator, U.S. Representative, Members of the State Board of Education, and Advisory Neighborhood Commissioners) of Title 3 (Elections and Ethics) of the DCMR is amended in its entirety to read as follows:

1603 SIGNATURE REQUIREMENTS

1603.1 To obtain primary election ballot access, a candidate for the office of Delegate, Mayor, Attorney General, Chairman of the Council, At-Large Member of the Council, U.S. Senator or U.S. Representative shall submit a nominating petition that contains, at a minimum, the lesser of:

- (a) Two thousand (2,000) valid signatures of registered qualified electors who are registered in the same political party as the candidate; or
- (b) The valid signatures of one percent (1%) of registered qualified electors of the District who are registered in the same political party as the candidate

as shown by the records of the Board as of the 144th day before the date of the primary election.

- 1603.2 To obtain primary election ballot access, a candidate for the office of Member of the Council elected from a ward shall submit a nominating petition that contains, at a minimum, the lesser of:
- (a) Two hundred fifty (250) valid signatures of registered qualified electors who are registered in the same political party and ward as the candidate; or
 - (b) The valid signatures of one percent (1%) of registered qualified electors of the District who are registered in the same political party and ward as the candidate as shown by the records of the Board as of the 144th day before the date of the primary election.
- 1603.3 To obtain general or special election (Direct Access Nomination) ballot access, a candidate for the office of Delegate, Mayor, Attorney General, Chairman of the Council, At-Large Member of the Council, U.S. Senator, or U.S. Representative shall submit a nominating petition that contains, at a minimum, the lesser of:
- (a) Three thousand (3,000) valid signatures of registered qualified electors in the District; or
 - (b) The valid signatures of one and one-half per cent (1.5%) of registered qualified electors of the District as shown by the records of the Board as of the 144th day before the date of the election.
- 1603.4 To obtain general or special election (Direct Access Nomination) ballot access, a candidate for the office of Member of the Council from a ward shall submit a nominating petition that contains the valid signatures of at least five hundred (500) registered qualified electors who are registered in the same ward as the candidate.
- 1603.5 To obtain ballot access, a candidate for the office of Member of the State Board of Education elected at-large shall submit a nominating petition that contains the valid signatures of at least one thousand (1,000) registered qualified electors.
- 1603.6 To obtain ballot access, a candidate for the office of Member of the State Board of Education elected from a ward shall submit a nominating petition that contains the valid signatures of at least two hundred (200) registered qualified electors who are registered in the same ward as the candidate.
- 1603.7 To obtain ballot access, a candidate for the office of Advisory Neighborhood Commissioner shall submit a nominating petition that contains the valid signatures of at least twenty-five (25) registered qualified electors who are registered in the same single-member district as the candidate.

- 1603.8 The maximum number of signatures that the Board will accept for filing with respect to an office is two (2) times the minimum number of signatures as required for that office by this section. Working from the first page of a petition that has been serially numbered pursuant to Subsection 1605.1 of this chapter, the Board shall only accept for filing the maximum number of signatures that may be filed pursuant to this section.

Section 1703 (Signature Requirements) of Chapter 17 (Candidates: Members and Officials of Local Committees of Political Parties and National Committee Persons) of Title 3 (Elections and Ethics) of the DCMR is amended in its entirety to read as follows:

1703 SIGNATURE REQUIREMENTS

- 1703.1 To obtain ballot access, a candidate for the office of national committee person shall submit a nominating petition that contains, at a minimum, the lesser of:
- (a) Five hundred (500) valid signatures of registered qualified electors who are registered in the same political party as the candidate; or
 - (b) The valid signatures of one percent (1%) of registered qualified electors who are registered in the same political party as the candidate.
- 1703.2 To obtain ballot access, a candidate for the office of member or officer of a local party committee elected at-large shall submit a nominating petition that contains, at a minimum, the lesser of:
- (a) Five hundred (500) valid signatures of registered qualified electors who are registered in the same political party as the candidate; or
 - (b) The valid signatures of one percent (1%) of registered qualified electors who are registered in the same political party as the candidate.
- 1703.3 To obtain ballot access, a candidate for the office of member or officer of a local party committee elected from a ward shall submit a nominating petition that contains, at a minimum, the lesser of:
- (a) One hundred (100) valid signatures of registered qualified electors who are registered in the same political party and ward as the candidate; or
 - (b) The valid signatures of one percent (1%) of registered qualified electors who are registered in the same political party and ward as the candidate.
- 1703.4 The maximum number of signatures that the Board will accept for filing for an office is two (2) times the minimum number of signatures as required for that office by this section. Working from the first page of a petition that has been

serially numbered pursuant to Subsection 1705.1 of this chapter, the Board shall only accept for filing the maximum number of signatures that may be filed pursuant to this section.

All persons desiring to comment on the subject matter of this proposed rulemaking should file written comments by no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Office of the General Counsel, Board of Elections, 441 4th Street, N.W., Suite 270N, Washington, D.C. 20001. Please direct any questions or concerns to the Office of the General Counsel at 202-727-2194 or ogc@dcboee.org. Copies of the proposed rules may be obtained at cost from the above address, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Commissioners of the District of Columbia Housing Authority (DCHA) hereby gives notice, pursuant to the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-203 (2012 Repl.)), of its intent to adopt the following proposed amendments to Chapter 83 (Rent Increases to Owner) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the proposed amendments are to allow DCHA to approve rent increases to Owners in the Housing Choice Voucher Program which will create more affordable housing in the District of Columbia.

Chapter 83 “Rent Increases to Owner,” of Title 14, “Housing,” of the DCMR is amended as follows:

Section 8304 is amended as follows:

8304 RENT INCREASES TO OWNER

8304.1 Written Request Required. Owners may request a rent increase no later than 90 days prior to any Family reexamination month. The request must be in writing.

8304.2 Amount of Rent Adjustment Rent to the Owner may be adjusted either up or down. Subject to compliance with § 8304.1 above, the adjusted rent to an Owner who has submitted a written request shall be the LESSER of:

- (a) The current rent multiplied by the applicable annual adjustment factor published by HUD in effect 60 days before the HAP anniversary date; or
- (b) The reasonable rent as most recently determined (or redetermined) by DCHA; or
- (c) The amount requested by the Owner.

8304.3 Prerequisites to a Rent Increase. The annual lease rent may not be increased unless:

- (a) The Owner has requested a specific increase amount at least 90 days before the Family’s reexamination month; and
- (b) The request is made in writing on DCHA provided forms for each unit for which an increase is being requested; and

- (c) In the preceding year, the Owner has complied with all requirements of the HAP contract, including compliance with the Housing Quality Standards.

8304.4 Timing of any Increases to Rent. Housing Assistance Payment increases, if approved by DCHA, shall be effective as of the first day of the first month commencing on or after the Participant's reexamination month.

8304.5 At its discretion DCHA may approve higher rents, subject to the availability of funding, in instances where contract rents are substantially lower than the DCHA approved maximum rent in a submarket.

Interested persons are encouraged to submit comments regarding this Proposed Rulemaking to DCHA's Office of General Counsel. Copies of this Proposed Rulemaking can be obtained at www.dcregs.dc.gov, or by contacting Karen Harris at the Office of the General Counsel, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599 or via telephone at (202) 535-2835. All communications on this subject matter must refer to the above referenced title and must include the phrase "Comment to Proposed Rulemaking" in the subject line. There are two methods of submitting Public Comments:

1. Submission of comments by mail: Comments may be submitted by mail to the Office of the General Counsel, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599.
2. Electronic Submission of comments: Comments may be submitted electronically by submitting comments to Karen Harris at: PublicationComments@dchousing.org.
3. No facsimiles will be accepted.

Comments Due Date: June 9, 2014

D.C. DEPARTMENT OF HUMAN RESOURCES**NOTICE OF PROPOSED RULEMAKING**

The Director of the D.C. Department of Human Resources, with the concurrence of the City Administrator, pursuant to Mayor's Order 2008-92, dated June 26, 2008, and in accordance with the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-609.01 *et seq.*), the District of Columbia Government Comprehensive Merit Personnel Amendment Act of 2012, effective March 14, 2012 (D.C. Law 19-115; 59 DCR 461, January 27, 2012), and Subtitle H of the Fiscal Year 2014 Budget Support Act of 2013, effective December 24, 2013 (D.C. Law 20-61; 60 DCR 12472 (September 6, 2013), hereby gives notice of the intent to adopt the following amendments to Chapter 9 (Excepted Service) of Subtitle B, Title 6 (Government Personnel) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the publication of this notice in the *D.C. Register*.

The main purpose of the rulemaking notice is to (1) amend Section 904 (Excepted Service Positions) to address the reduction in the number of Excepted Service positions to the Office of the Mayor (from 220 to 160); (2) to amend Section 908 (Restrictions on Subsequent Appointments to the Career, Management Supervisory or Educational Services) to address restrictions relating to subsequent appointments of Excepted Service employees to positions in the Career, Management Supervisory, and Education Services during an election year; (3) to amend Section 913 (Separation Pay) to limit the amount of separation pay awarded to Excepted Service employees (up to a maximum of 10 weeks); and (4) to revise Subsection 904.1(f)(1) through (12) of the chapter based on amendments to provisions contained in D.C. Law 19-115 and D.C. Law 20-61.

Upon adoption, these rules will amend Chapter 9 (Excepted Service) of the DCMR, as published at 32 DCR 2271 (April 26, 1985) and amended at 36 DCR 7931 (November 17, 1989), 39 DCR 6171 (August 21, 1992), 47 DCR 8093 (October 6, 2000), 50 DCR 4743 (June 13, 2003), 50 DCR 11076 (December 26, 2003), 51 DCR 10416 (November 12, 2004), 51 DCR 10934 (November 26, 2004) – Errata Notice, 53 DCR 5495 (July 7, 2006), 55 DCR 7953 (July 25, 2008), and 56 DCR 2723 (April 10, 2009).

Section 904 (Excepted Service Positions) of Chapter 9 (Excepted Service), of Subtitle B of Title 6 (Government Personnel) of the District of Columbia Municipal Regulations is amended as follows:

904 EXCEPTED SERVICE POSITIONS

904.1 The following types of positions are considered Excepted Service positions:

- (a) Excepted Service statutory positions include positions occupied by employees who, pursuant to section 908 of the CMPA (D.C. Official Code § 1-609.08 (2012 Repl.)), serve at the pleasure of the appointing authority; or who, as provided by other statute, serve for a term of years subject to

removal for cause as may be provided in the appointing statute . Among the Excepted Service statutory positions listed in section 908 of the CMPA are the following:

- (1) The City Administrator;
 - (2) The Director of Campaign Finance, District of Columbia Board of Elections;
 - (3) The Auditor of the District of Columbia;
 - (4) The Chairman and members of the Public Service Commission;
 - (5) The Chairman and members of the Board of Parole;
 - (6) The Executive Director of the Public Employee Relations Board;
 - (7) The Secretary to the Council of the District of Columbia;
 - (8) The Executive Director of the Office of Employee Appeals;
 - (9) The Executive Director and Deputy Director of the D.C. Lottery and Charitable Games Control Board;
 - (10) The Budget Director of the Council of the District of Columbia;
 - (11) The Chief Administrative Law Judge, Administrative Law Judges, and Executive Director of the Office of Administrative Hearings; and
 - (12) The Chief Tenant Advocate of the Office of the Tenant Advocate.
- (b) Positions created under public employment programs established by law, pursuant to section 904 (1) of the CMPA (D.C. Official Code § 1-609.04(1) (2012 Repl.).
- (c) Positions established under special employment programs of a transitional nature designed to provide training or job opportunities for rehabilitation purposes, including persons with disabilities, returning citizen or other disadvantaged groups, pursuant to section 904 (2) of the CMPA (D.C. Official Code § 1-609.04(2)) (2012 Repl.).
- (d) Special category positions established pursuant to section 904 (3), (4), and (5) of the CMPA (D.C. Official Code § 1-609.04(3), (4), and (5)) (2012 Repl.), specifically:

- (1) Positions filled by the appointment of a federal employee under the mobility provisions of the Intergovernmental Personnel Act of 1970, approved January 5, 1971 (P.L. 91-648; 84 Stat. 1909; 5 U.S.C. § 3301 *et seq.*);
 - (2) Positions established under federal grant-funded programs that have a limited or indefinite duration and are not subject to state merit requirements by personnel authorities; excluding employees of the State Board of Education or of the Trustees of the University of the District of Columbia; and
 - (3) Positions established to employ professional, scientific, or technical experts or consultants.
- (e) Positions established under cooperative educational and study programs pursuant to section 904 (6) of the CMPA (D.C. Official Code § 1-609.04(6) (2012 Repl.)), including but not limited to positions established under a pre-doctoral or post-doctoral training program under which employees receive a stipend; positions occupied by persons who are graduate students under temporary appointments when the work performed is the basis for completing certain academic requirements for advanced degrees; and positions established under the Capital City Fellows program administered by the D.C. Department of Human Resources.
- (f) Excepted Service policy positions pursuant to section 903 (a) of the CMPA (D.C. Official Code § 1-609.03(a) (2012 Repl.)) are positions reporting directly to the head of the agency or placed in the Executive Office of the Mayor or the Office of the City Administrator, in which the position holder's primary duties are of a policy determining, confidential, or policy advocacy character. These positions shall consist of the following:
- (1) No more than one hundred and sixty (160) positions appointed by the Mayor;
 - (2) Staff positions at the Council of the District of Columbia, the occupants of which are appointed by Members of the Council of the District of Columbia, provided that this does not include positions occupied by those permanent technical and clerical employees appointed by the Secretary or General Counsel, and those in the Legal Service;
 - (3) No more than fifteen (15) positions, the occupants of which shall be appointed by the Inspector General;

- (4) No more than four (4) positions, the occupants of which shall be appointed by the District of Columbia Auditor;
- (5) No more than 20 positions, the occupants of which shall be appointed by the Board of Trustees of the University of the District of Columbia, to serve as officers of the University, persons who report directly to the President, persons who head major units of the University, academic administrators, and persons in a confidential relationship to the foregoing, exclusive of those listed in the definition of the Educational Service.
- (6) No more than six (6) positions, the occupants of which shall be appointed by the Chief of Police;
- (7) No more than six (6) positions, the occupants of which shall be appointed by the Chief of the Fire and Emergency Medical Services Department;
- (8) No more than nine (9) positions, the occupants of which shall be appointed by the Criminal Justice Coordinating Council;
- (9) No more than ten (10) positions, the occupants of which shall be appointed by the District of Columbia Sentencing and Criminal Code Revision Commission; and
- (10) Not more than two (2) positions in each other personnel authority not expressly designated in this subsection, provided that the occupants of each of these positions shall be appointed by the appropriate personnel authority.

904.2 The following shall apply to professional, scientific, or technical expert and consultant positions listed in subsection 904.1 (d) (3) of this section:

- (a) Persons serving in expert or consultant positions may be offered paid or unpaid employment; shall be qualified to perform the duties of the position; and the positions shall be bona-fide expert or consultant positions, as these terms are defined in section 999 of this chapter.
- (b) Experts and consultants may be employed under intermittent or temporary appointments not-to-exceed one (1) year; except that appointments may be renewed from year to year without limit on the number of reappointments, provided there is continued need for the services.
- (c) Hiring an expert or consultant to do a job that can be performed as well by regular employees, to avoid competitive employment procedures or District Service pay limits, shall be considered improper uses of experts and consultants.

- (d) Persons employed as experts and consultants shall be subject to the domicile requirements specified in section 909 of this chapter and Chapter 3 of this subtitle.

904.3 A statutory or policy position as described in subsection 904.1 (a) or subsection 904.1 (f)(1) through (10) of this section occupied by a person holding an appointment to an attorney position shall be treated solely as a statutory or policy position.

Section 908 (Restrictions on Subsequent Appointment to the Career, Management Supervisory, or Educational Services) of Chapter 9 (Excepted Service), of Subtitle B of Title 6 (Government Personnel) of the DCMR is amended as follows:

908 RESTRICTIONS ON SUBSEQUENT APPOINTMENT TO THE CAREER, MANAGEMENT SUPERVISORY OR EDUCATIONAL SERVICES

908.1 In accordance with section 902 of the CMPA (D.C. Official Code § 1-609.02(b) (2012 Repl.), and except as provided in subsection 908.2 of this section, an employee appointed to the Excepted Service may not be appointed to a position in the Career, Management Supervisory, or Educational Services during the period that begins six (6) months prior to a Mayoral primary election and ends three (3) months after the Mayoral general election. An Excepted Service appointee may compete for a position in the Career, Management Supervisory, or Educational Services during this time period.

908.2 Upon termination, a person holding an Excepted Service appointment pursuant to subsections 904.1 (a) or 904.1 (f)(1) through (10) of this chapter who has Career Service or Educational Service status may retreat, at the discretion of the terminating personnel authority, within three (3) months of the effective date of the termination, to a vacant position in such service for which he or she is qualified.

908.3 The provisions of subsections 908.1 and 908.2 of this section shall not apply to employees of the Council of the District of Columbia.

Section 913 (Separation Pay) of Chapter 9 (Excepted Service), of Subtitle B of Title 6 (Government Personnel) of the DCMR is amended as follows:

913 SEPARATION PAY

913.1 In accordance with section 903 (f) of the CMPA (D.C. Official Code § 1-609.03(f)) (2012 Repl.), and subject to the provisions of this section, the appointing personnel authority may, in his or her discretion, provide an individual appointed to an Excepted Service policy position or an Excepted Service statutory

position up to ten (10) weeks of separation pay at his or her rate of basic pay upon separation for non-disciplinary reasons, as follows:

Length of Employment	Maximum Severance
Up to 6 months	2 weeks of the employee’s basic pay
6 months to 1 year	4 weeks of the employee’s basic pay
1 to 3 years	8 weeks of the employee’s basic pay
More than 3 years	10 weeks of the employee’s basic pay

913.2 The number of weeks of separation pay authorized pursuant to this section shall not exceed the number of weeks between the individual’s separation and the individual’s appointment to another position in the District government.

913.3 Separation pay shall be provided at the time of separation as a lump-sum, one-time payment, subject only to the withholdings of federal, District of Columbia and State income taxes, and social security taxes, if applicable.

913.4 Separation pay is not payable to any individual who either:

- (a) Has accepted an appointment to another position in the District government without a break in service; or
- (b) Is eligible to receive an annuity under any retirement program for employees of the District government, excluding the District retirement benefit program under section 2605 of the CMPA (D.C. Official Code § 1-626.05) (2012 Repl.).

913.5 An individual who receives separation pay pursuant to this section, but who is subsequently appointed to any position in the District government during the period of weeks represented by that payment, will be required to repay the amount of separation pay attributable to the period covered by such appointment. The pro-rated amount to be repaid will be based on the entire amount of the separation pay, including all required deductions, and is payable to the General Fund of the District of Columbia.

Comments on these proposed regulations should be submitted, in writing, within thirty (30) days of the date of the publication of this notice to Mr. Justin Zimmerman, Interim Associate Director, Policy and Compliance Administration, D.C. Department of Human Resources, 441 4th Street, N.W., Suite 340 North, Washington, D.C. 20001, or via email at justin.zimmerman@dc.gov. Additional copies of these proposed rules are available from the above address.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c)(2), (3), (4), (5), (7), (19), 14, 20, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2) (3), (4), (5), (7), (19)), 50-313, 50-319, and 50-320 (2012 Repl. & 2013 Supp.)), and D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Repl. and 2013 Supp.); hereby gives notice of its intent to adopt amendments to Chapter 8 (Operation of Taxicabs) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendments to Chapter 8 would, in combination with other proposed amendments to Chapters 2, 12, 14, 16, and 17 of Title 31, create a regulatory framework for the licensing and regulation of a new class of public vehicle-for-hire service to be called “private sedan service”, to address the unique issues raised by private sedan service, including rules to require adequate insurance, to ensure the safety of passengers, drivers, and the general public, to protect consumers, to require payment to the District of a passenger surcharge, and for other lawful purposes within the authority of the Commission. The proposed amendments to Chapter 8 would allow digital dispatch services (not taxicab owners or operators) to set the entire fare when dispatching a taxicab, without use of the metered rates set by the Commission, while requiring the operator to continue to use the modern taximeter system to ensure that payment service providers continue to report trip data to the Office for dispatched trips, for enforcement, research, passenger surcharge reconciliation, and other lawful purposes.

All definitions applicable to this chapter would appear in a new Chapter 2 that contains definitions for the entire title.

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

CHAPTER 8, OPERATION OF TAXICABS, is amended as follows:**Section 801, PASSENGER RATES AND CHARGES, is amended to read as follows:**

Subsections 801.3 through 801.4 are repealed.

Subsections 801.5 through 801.8 are amended to read as follows:

801.5 Each taxicab company, independent owner, taxicab operator, payment service provider, and digital dispatch service shall charge only the applicable taxicab fare established by § 801.7 and shall use only the equipment specified in § 801.6 to process payments.

801.6 Equipment to process payments shall be as follows:

- (a) The taximeter shall be engaged when a trip is booked by a street hail, telephone dispatch, or digital dispatch, regardless of how payment is made.
- (b) If a taxicab trip is booked through a street hail, a telephone dispatch, or a DDS which does not process digital payments, the operator shall use the vehicle's MTS unit to process an in-vehicle payment for the entire trip and shall not use any other device.
- (c) If a taxicab trip is booked through a DDS which processes digital payments, the operator shall use the digital payment solution (handheld or tablet running an app) provided by the DDS to allow the DDS to process a digital payment for the entire trip and shall not use the vehicle's MTS unit to process the payment (except where permitted by an integration agreement between the DDS and the payment service provider ("PSP") approved by the Office pursuant to Chapter 4).

801.7 Taxicab fares shall be as follows:

- (a) Each taximeter fare shall consist only of the time and distance charges, and authorized additional charges, provided in this subsection, as applicable.
- (b) Fare for trips booked on a time basis by advance contract. The hourly rate for a taxicab trip booked on a time basis shall be thirty-five dollars (\$35) for the first one (1) hour or fraction thereof, and eight dollars and seventy-five cents (\$8.75) for each additional fifteen (15) minutes or fraction thereof, without regard to distance. No additional charges are authorized.
- (c) Fare for trips booked by a street hail, a telephone dispatch or a digital dispatch by a DDS that does not process digital payments (in-vehicle payment only).
 - (1) Time and distance charges. The time and distance charges that shall be automatically generated by the taximeter for a taxicab trip booked by a street hail, telephone dispatch, or digital dispatch by a DDS that does not process digital payments are established as follows:
 - (A) Three dollars and twenty-five cents (\$3.25) for entry (drop rate) and the first one-eighth (1/8) of a mile;

- (B) Twenty-seven cents (\$0.27) for each one-eighth (1/8) of a mile after the first one-eighth (1/8) of a mile;
 - (C) The rate for wait time is twenty-five dollars (\$25.00) per hour. Wait time begins five (5) minutes after the taxicab arrives at the place to which it was dispatched. No wait time shall be charged for premature response to a dispatch. Wait time shall also be charged for time consumed while the taxicab is stopped or slowed to a speed of less than ten (10) miles per hour for longer than sixty (60) seconds and for time consumed for delays or stopovers en route at the direction of the passenger. Wait time shall be calculated in sixty (60) second increments. Wait time does not include time lost due to taxicab or operator inefficiency
- (2) Authorized additional charges. The additional charges which shall be included in the taximeter fare for a trip booked by a street hail, or a telephone dispatch, or a digital dispatch by a DDS that does not process digital payments are the following:
- (A) A fee for telephone dispatch, if any, which shall be two dollars (\$2.00);
 - (B) A taxicab passenger surcharge, which shall be twenty-five cents (\$.25) (per trip, not per passenger);
 - (C) A charge for delivery service (messenger service and parcel pick-up and delivery), which shall be at the same rate as for a single passenger unless the vehicle is hired by the hour pursuant to § 801.4;
 - (D) An airport surcharge or toll paid by the taxicab operator, if any, which shall be charged in the same amount that was paid;
 - (E) An additional passenger fee, if there is more than one (1) passenger, which shall be one dollar (\$1.00) regardless of the number of additional passengers (the total fee shall not exceed one dollar (\$1.00)); and
 - (F) A snow emergency fare when authorized under § 804.
- (d) Fare for trips booked by digital dispatch and paid by digital payment.
- (1) Time and distance charges. The time and distance charges for a taxicab trip booked by a digital dispatch are established as follows: zero dollars (\$0) regardless of the amount displayed on the taximeter.

- (2) Authorized additional charges. The additional charges which shall be included in the taximeter fare for a trip booked by a street hail or a telephone dispatch are the following: zero dollars (\$0) regardless of the amount displayed on the taximeter.
- (3) DDS charges. The only charges, if any, which may be assessed to the passenger for a trip paid by digital payment shall be those charges billed directly to the passenger by the DDS, which shall not be displayed on the taximeter, and which shall adhere to the requirements of § 1402.11, in the same manner and to the same extent as if the taxicab were a black car or a private sedan, including the requirement that the District be paid the passenger surcharge in the manner required by this title.

801.8 Group or shared riding shall be charged as follows:

- (a) Trips booked by street hail, telephone dispatch, or digital dispatch with no digital payment. If more than one (1) passenger enters a taxicab at the same time on a pre-arranged basis (group riding or shared riding) bound for different destinations, the fare shall be charged as follows: As each passenger arrives to his or her destination, the fare then due shall be paid by the passenger(s) leaving the taxicab. There then shall be a new flag drop and the passenger(s) remaining in the group shall pay in the same manner until the last passenger(s) arrives at his or her destination and the final taxicab fare is then paid. There shall be a new flag drop for each leg (or separate destination) of the trip.
- (b) Trips booked by digital dispatch and paid by digital payment. The charges, if any, for group or shared riding shall be established by the DDS. The charges shall not be included in the taximeter fare and shall adhere to the requirements of § 1402.11 in the same manner as if the taxicab were a black car.

Subsection 801.9 is repealed.

Section 803, RECEIPTS FOR TAXICAB SERVICE, is amended as follows:

Subsection 803.1 is amended to read as follows:

- 803.1 At the end of each taxicab trip, the operator shall provide the passenger with a printed receipt (except as authorized by § 803.3). The printed receipt shall contain the following information:
- (a) The taxicab owner's name and telephone number;
 - (b) The taxicab's PVIN number;

- (c) The operator's DCTC commercial operator's license number;
- (d) The trip number;
- (e) The date;
- (f) The starting and ending times;
- (g) The distance traveled;
- (h) The form of payment, including:
 - (1) If the payment was an in-vehicle payment, whether it was made in cash, by payment card (including the type of card, the last four digits of the card number, and the transaction authorization code), by voucher, or by account; and
 - (2) If the payment was a digital payment, the name, customer service telephone number or URL for the DDS's customer service website;
- (i) If the passenger made an in-vehicle payment:
 - (1) The total charges established by § 801.7 (b), itemized to show the time and distance charge pursuant to § 801.7 (b) (1), and any authorized additional charges pursuant to § 801.7 (b) (3), the passenger surcharge, and any gratuity; and
 - (2) The last four digits of any payment card processed through the MTS unit and the transaction authorization code;
 - (3) If the passenger made a digital payment, the following statement:
“[NAME OF DDS] DETERMINED THE AMOUNT OF YOUR TAXICAB FARE AND PROCESSED YOUR PAYMENT. THE AMOUNT YOU PAID MAY BE HIGHER OR LOWER THAN THE AMOUNT DISPLAYED ON THE TAXIMETER, WHICH DID NOT APPLY TO YOUR TRIP.”;
- (j) The following statement:
“DCTC COMPLAINTS LINE AND WEBSITE ADDRESS: 855-484-4967, TTY 711, www.dctaxi.dc.gov”.

Subsection 803.3 is amended to read as follows:

803.3 When payment is made by digital payment, the passenger shall receive a printed receipt as provided in § 803.1, or an electronic receipt containing the same information as required by § 803.1, which shall be sent to the passenger via email address or SMS text message not later than when the passenger exits the vehicle.

Section 823, MANIFEST RECORD, is amended as follows:

Subsection 823.1 is amended to read as follows:

823.1 An operator of a public vehicle-for-hire shall maintain a daily log record (manifest) of all trips made by the vehicle while under his or her control. A manifest shall be on a form approved by the Office or, when applicable, in an electronic form as part of a digital payment solution for taxicab dispatch and payment, or a digital payment solution for black cars or private sedans. An electronic manifest shall contain, at a minimum, all the information required by § 823, all information required for each receipt by § 803, and all information required by Chapter 16. An electronic manifest for a taxicab must be capable of providing a printed record immediately upon demand by a District enforcement official.

Section 826, FILING OF COMPLAINTS, is amended as follows:

Subsection 826.1 is repealed.

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

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c)(2), (3), (4), (5), (7), (19), 14, 20, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2) (3), (4), (5), (7), (19) (2012 Repl. & 2013 Supp.), 50-313 (2012 Repl. & 2013 Supp.), 50-319 (2012 Repl. & 2013 Supp.), and 50-320 (2012 Repl. & 2013 Supp.)), and D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Repl. & 2013 Supp.), hereby gives notice of its intent to adopt amendments to Chapter 12 (Luxury Services – Owners, Operators and Vehicles) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendments to Chapter 12 would, in combination with other proposed amendments to Chapters 2, 8, 14, 16, and 17 of Title 31, create a regulatory framework for the licensing and regulation of a new class of public vehicle-for-hire service to be called “private sedan service”, to address the unique issues raised by private sedan service, including rules to require adequate insurance, to ensure the safety of passengers, drivers, and the general public, to protect consumers, and to require payment to the District of a passenger surcharge, and for other lawful purposes within the authority of the Commission. The proposed amendments in Chapter 12 would change the name of “sedan” to “black car”, to keep Title 31 consistent with the common terminology used throughout the public vehicle-for-hire industry, and to distinguish this class of service from the proposed class of service to be called “private sedan service”. No substantive change is intended by this update to the terminology. All definitions applicable to this chapter would appear in a new Chapter 2 that contains definitions for the entire title.

The rulemaking was adopted by the Commission on April 9, 2014. Directions for submitting comments may be found at the end of this notice. The Commission also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice of proposed rulemaking in the *D.C. Register*.

Chapter 12, LUXURY SERVICES – OWNERS, OPERATORS AND VEHICLES, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE is amended as follows:

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

Subsection 1200.1 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:

1200.1 This chapter shall be applicable to and govern all limousine and black car organizations, operators, and vehicles doing business in the District of Columbia (District).

Subsection 1200.3 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:

1200.3 This chapter establishes licensing and operating requirements for luxury class service, comprised of black car service and limousine service. Additional and more specific operating requirements applicable only to black car service, beginning on November 1, 2013, are contained in Chapter 14 of this title.

Section 1201, GENERAL REQUIREMENTS, is amended as follows:

Subsection 1201.1 is amended by striking the words “sedan” and “sedans” and inserting the words “black car” and “black cars” in its place, to read as follows:

1201.1 Operators may be licensed by the Office of Taxicabs (Office) pursuant to § 1209 to provide limousine service, black car service, or both, and luxury class service (LCS) vehicles may be licensed by the Office pursuant to § 1204 for use as limousines, as black cars, or both. All LCS vehicles may be used as limousines, but only LCS vehicles meeting the definition of “black car” in § 1299.1 may be operated as black cars.

Subsection 1201.2 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:

1201.2 The Office may issue Office orders approving certain vehicles as meeting the definition of “black car” under § 1299.1.

Subsection 1201.4 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:

1201.4 Vehicle requirements. A vehicle shall be authorized to provide luxury class services if it:

- (a) Has been approved and licensed by the Office pursuant to § 1204 for use as a black car, a limousine, or both;
- (b) Is registered and displays valid and current livery tags (also called “L-tags”) from DMV;
- (c) Has a valid and current inspection from DMV pursuant to § 1215 and applicable DMV regulations, including inspection for current compliance with the definition of a black car under § 1299.1, where applicable;
- (d) Is operated in compliance with § 1201.5; and
- (e) Is in compliance with Chapter 9 (Insurance Requirements) of this title.

Subsection 1201.5 is amended by striking the words “sedan” and “sedans” and inserting the words “black car” and “black cars” in its place, to read as follows:

- 1201.5 Operating requirements. Luxury class service shall not be provided unless, from the time each trip is booked, through the conclusion of the trip, all of the following requirements are met:
- (a) The operator is in compliance with § 1201.3;
 - (b) The vehicle is in compliance with § 1201.4;
 - (c) The owner is in compliance with § 1202.1;
 - (d) The operator is maintaining at the Office current contact information, including his or her full legal name, residence address, cellular telephone number, and, if associated with an LCS organization, contact information for such organization or for the owner for which he or she drives, and informs the Office of any change in the foregoing information within five (5) business days through U.S. Mail with delivery confirmation, by hand delivery, or in such other manner as the Office may establish in an Office order;
 - (e) The operator is maintaining in the vehicle a manifest that:
 - (1) Is either:
 - (A) In writing, compiled by the operator not later than the end of each shift using documents stored safely and securely in the vehicle; or
 - (B) Electronic, compiled automatically and in real time throughout each shift;
 - (2) Is in a reasonable, legible, and reliable format that safely and securely maintains the information;
 - (3) Reflects all trips made by the vehicle during the current shift;
 - (4) Includes the date, the time of pick up, the address or location of the pickup, the final destination, and the time of discharge;
 - (5) Does not include terms such as “as directed” in lieu of any information required by this paragraph; and
 - (6) Is kept in the vehicle readily available for immediate inspection by a District enforcement official (including a public vehicle

enforcement inspector (hack inspector)).

- (f) Where limousine service is provided, the trip is booked by contract reservation based on an hourly rate;
- (g) Beginning November 1, 2013, where black car service is provided, the trip is conducted in accordance with the operating requirements of Chapter 14 of this title;
- (h) The trip is not booked in response to a street hail solicited or accepted by the operator or by any other person acting on the operator's behalf; and
- (i) There is no individual present in the vehicle who is not the operator or a passenger for whom a trip is booked or payment is made.

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

Subsection 1203.1 is amended by striking the word "sedan" and inserting the words "black car" in its place, to read as follows:

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

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

Subsection 1204.2 is amended by striking the word "sedan" and inserting the words "black car" in its place, to read as follows:

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

Subsection 1204.4 is amended by striking the word "sedan" and inserting the words "black car" in its place, to read as follows:

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

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

Subsection 1205.12 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:

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

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

Subsection 1206.1 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:

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

Section 1213, WHEELCHAIR ACCESSIBILITY REQUIREMENTS FOR LCS ORGANIZATION PROVIDING SEDAN SERVICE, is amended as follows:

The title is amended to read as follows:

1213 WHEELCHAIR ACCESSIBILITY REQUIREMENTS FOR LCS ORGANIZATIONS PROVIDING BLACK CAR SERVICE

Subsection 1213.1 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:

1213.1 Each LCS organization with twenty (20) or more black car class vehicles in its fleet that does not have wheelchair-accessible vehicles in its fleet shall provide contact information for LCS organizations that do have such vehicles, when requested by a customer.

Subsection 1213.2 is amended by striking the words “sedan” and “sedans” and inserting the words “black car” and “black cars” in its place, to read as follows:

1213.2 Each LCS organization with twenty (20) or more vehicles licensed under this Chapter to be operated as black cars on or after the effective date of this rulemaking, shall dedicate a portion of such vehicles as follows:

- (a) At least six percent (6%) of such vehicles shall be wheelchair-accessible

by December 31, 2014;

- (b) At least twelve percent (12%) of such vehicles shall be wheelchair-accessible by December 31, 2016; and
- (c) At least twenty percent (20%) of such vehicles shall be wheelchair-accessible by December 31, 2018.

Section 1220, PROHIBITIONS, is amended as follows:

Subsection 1220.3 is amended by striking the words “sedan” and “sedans” and inserting the words “black car” and “black cars” in its place.

1220.3 Beginning November 1, 2013, no operator shall provide black car service except as provided in this chapter and in Chapter 14 of this title.

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

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c)(2), (3), (4), (5), (7), (19), 14, 20, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2) (3), (4), (5), (7), (19) (2012 Repl. & 2013 Supp.), 50-313 (2012 Repl. & 2013 Supp.), 50-319 (2012 Repl. & 2013 Supp.), and 50-320 (2012 Repl. & 2013 Supp.)), and D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Repl. & 2013 Supp.); hereby gives notice of its intent to adopt amendments to Chapter 14 (Operation of Sedans) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendments to Chapter 14 would, in combination with other proposed amendments to Chapters 2, 8, 12, 16, and 17 of Title 31, create a regulatory framework for the licensing and regulation of a new class of public vehicle-for-hire service to be called “private sedan service”, to address the unique issues raised by private sedan service, including rules to require adequate insurance, to ensure the safety of passengers, drivers, and the general public, to protect consumers, and to require payment to the District of a passenger surcharge, and for other lawful purposes within the authority of the Commission. The proposed amendments in this chapter would, *inter alia*: (1) establish rules for the operation of private sedans consistent with the existing Chapter 14 rules applicable to the operation of black cars; and (2) ensure that the issues raised by the operation of a public vehicle-for-hire service by otherwise untrained operators driving their private vehicles are adequately addressed. All definitions applicable to this chapter would appear in a new Chapter 2 that contains definitions for the entire title.

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

Chapter 14, OPERATION OF SEDANS, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is deleted.

A new Chapter 14, OPERATION OF BLACK CARS AND PRIVATE SEDANS is added as follows:

CHAPTER 14 OPERATION OF BLACK CARS AND PRIVATE SEDANS

1400 APPLICATION AND SCOPE

1400.1 This chapter establishes licensing and operating requirements applicable to the businesses and individuals that provide black car service and private sedan service, to ensure the safety of passengers, operators, and the general public, to

protect consumers, to require the collection of and payment to the District of Columbia of a passenger surcharge, and for other lawful purposes.

- 1400.2 The provisions of this chapter shall be interpreted to comply with the language and intent of the Establishment Act, as amended.
- 1400.3 Additional requirements for the owners, operators, and vehicles that participate in black car service are contained in Chapter 12.
- 1400.4 Additional requirements for the private sedan businesses, operators, and vehicles that participate in black car service are contained in Chapter 17.
- 1400.5 Additional requirements for digital dispatch services (“DDSs”) are contained in Chapter 16.
- 1400.6 This chapter shall not apply to “ridesharing”, as defined in this title.
- 1400.7 This chapter shall apply to private sedan service beginning on _____ 2014 (“implementation date”).
- 1400.8 In the event of a conflict between a provision of this chapter and a provision of another chapter of this title, the more restrictive provision shall control.

1401 GENERAL PROVISIONS

- 1401.1 Each trip by a black car and, beginning on the implementation date, each trip by a private sedan, in the District of Columbia shall meet the following requirements, in addition to other requirements stated in this chapter:
 - (a) It shall be booked through a digital dispatch and paid for by a digital payment processed by a digital dispatch service which is in compliance with Chapter 16 and this chapter;
 - (b) The operator and vehicle shall be on the inventory of active operators and vehicles maintained with the Office by the DDS (for black cars) and by the private sedan business (for private sedans);
 - (c) The operator and the vehicle shall be in compliance with this chapter and Chapter 17, including all licensing and insurance requirements; and
 - (d) The passenger surcharge shall be paid to the District.

1402 OPERATING REQUIREMENTS

- 1402.1 Each black car owner, operator, and vehicle shall, at all times, be in compliance with all applicable provisions of this chapter and Chapter 12.
- 1402.2 Each private sedan operator and vehicle shall at all times be in compliance with all applicable provisions of this chapter and Chapter 17.
- 1402.3 Each operator shall be associated with a DDS which is in compliance with Chapter 16, including the registration requirement of that chapter, and with this chapter.
- 1402.4 Each operator shall provide black car or private sedan service using a DPS unit which complies with Chapter 16.
- 1402.5 Each operator and vehicle shall provide service only at such times when both the operator and the vehicle are on the appropriate inventory of active operators and vehicles maintained with the Office.
- 1402.6 Each operator and owner shall cooperate with the Office and District enforcement officials, including all compliance orders issued orally by public vehicle inspection officers (hack inspectors), and in writing by the Office. Failure to timely and fully comply with a compliance order shall subject to the civil penalties provided in this title.
- 1402.7 Each operator shall comply with the following documentation requirements:
- (a) Each operator shall at all times while associated with a DDS and operating a vehicle used as a black car or private sedan, carry on his or her person or have readily available inside the vehicle, the following documents:
 - (1) The operator's personal driver's license;
 - (2) The registration for the vehicle;
 - (3) The operator's DCTC operator's license identification card; and
 - (4) Such insurance cards as are necessary to document that the operator and the vehicle are in compliance with all applicable insurance requirements.
 - (b) As an alternative means of compliance with § 1402.7(a)(3) and (4), an operator may present for inspection by a District enforcement official one or more detailed images on the digital payment system (the app) which accurately depict the required documents if the DDS chooses to offer this service, provided however, that:

- (1) It shall not be a defense in any enforcement action that an image of a required document was unavailable at the time of an inspection; and
 - (2) Nothing in this subsection shall relieve an operator of an obligation under regulations issued by agencies other than DCTC.
- (c) Each private sedan vehicle shall at all times clearly display the DCTC private sedan vehicle decal required by Chapter 17 in a suitable location as directed by the Office.

1402.8 Each black car owner and operator shall comply with the following insurance requirements:

- (a) Each black car owner, operator, and vehicle shall at all times be in full compliance with the insurance requirements of Chapter 12. Each black car owner or operator that fails to comply with applicable insurance requirements shall be subject to the civil penalties in § 907 for failure to maintain commercial insurance.
- (b) Each private sedan operator and vehicle shall at all times be in full compliance with the insurance requirements of Chapter 17. Each private sedan operator who fails to comply with applicable insurance requirements shall be subject to the following civil penalties:
 - (1) First offense: immediate suspension for six (6) months, and a one thousand five hundred dollar (\$1,500) civil fine; and
 - (2) Second offense: immediate suspension, revocation, and a three thousand dollar (\$3,000) civil fine.

1402.9 Each trip by black car or private sedan shall comply with the following booking and payment requirements:

- (a) Each trip by black car or private sedan shall be booked through a digital dispatch and be paid for by a digital payment, both of which shall be processed by the DDS using its digital payment system (smartphone or tablet, and app).
- (b) Each black car or private sedan operator who solicits or accepts a street hail shall be subject to the following civil penalties:
 - (1) First offense: immediate suspension for three (3) months, and a one thousand dollar (\$1,000) civil fine; and

- (2) Second offense: immediate suspension, revocation, and a two thousand dollar (\$2,000) civil fine.
- (c) Each black car or private sedan operator who engages in false dispatch shall be subject to the following civil penalties:
 - (1) First offense: immediate suspension for six (6) months, and a one thousand five hundred dollar (\$1,500) civil fine; and
 - (2) Second offense: immediate suspension, revocation, and a three thousand dollar (\$3,000) civil fine.

1402.10 Each owner and operator of a black car and each private sedan operations shall maintain and provide the following information:

- (a) Each owner and operator of a black car, and each private sedan business, shall ensure that the following information is at all times maintained correctly and accurately with the DDS, and updated within three (3) business days of any change:
 - (1) The full name, home address, home telephone number, cellular telephone number, social security number, and date of birth of the operator;
 - (2) For black car service, if the vehicle is owned by an LCS organization, the name of the organization, and its name and contact information;
 - (3) The make, model, year, vehicle identification number (VIN), and tag number of the vehicle;
 - (4) The operator's personal driver's license number;
 - (5) The operator's personal motor vehicle insurance policy information, including the policy number and the expiration date;
 - (6) A statement of whether the vehicle is wheelchair accessible; and
 - (7) A statement of whether the vehicle is designated by the owner or operator as "smoking" or "non-smoking", pursuant to § 1402.12.
- (b) Each private sedan operator shall:
 - (1) Within five (5) days of any of the following incidents that occur while the operator is providing service or is otherwise operating

the vehicle for any purpose, report to the DDS and to the private sedan business:

- (A) An accident involving the vehicle;
 - (B) An injury to any person;
 - (C) An arrest of the operator for any reasons, or
 - (D) A citation issued to the operator for a moving violation.
- (2) Immediately notify the DDS and the private sedan business if his or her personal motor vehicle insurance policy is not in effect, during which time he or she shall not provide service and shall not sign into the digital payment system (the app).

1402.11 The fares for black car and private sedan service, if any, shall:

- (a) Be based on time and distance rates as set by the DDS except for a set fare for a route approved by the Office order for a well-traveled route, including a trip to an airport or to an event;
- (b) Be consistent with the DDS' statement of its fare calculation method posted on its website pursuant to Chapter 16;
- (c) Be disclosed to the passenger in a statement of the DDS' fare calculation method;
- (d) Be used to calculate an estimated fare, if any, and disclosed to the passenger prior to the acceptance of service;
- (e) State whether demand pricing applies and, if so, the effect of such pricing on the estimate;
- (f) Not exceed the estimated fare, if any, by more than twenty percent (20%) or twenty five dollars (\$25), whichever is less, unless the excess is due to delays or stopovers en route at the request of the passenger, or other factors beyond the operator's control, such as traffic, accidents, or construction;
- (g) Not include a gratuity that does not meet the definition of a "gratuity" as defined in this title; and
- (h) Include the passenger surcharge, unless the DDS or another entity chooses to pay it to the District on behalf of the passenger provided it is paid in the manner and at the time required by all applicable provisions of this title.

- 1402.12 Each charge other than a passenger rate or charge, such as a trip cancellation fee, membership fee, or other similar charge, shall be disclosed to the passenger prior to acceptance of the service.
- 1402.13 Smoking designation. Each black car owner and private sedan operator shall designate his or her vehicle as a “smoking” or “non-smoking” vehicle, at the time the vehicle is first put into service under this chapter and maintain the vehicle as follows:
- (a) Neither a “smoking” vehicle nor a vehicle in which smoking has occurred in the three (3) years prior to the use of the vehicle as a public vehicle-for-hire shall be re-designated a “non-smoking” vehicle. For a private sedan, such a designation shall not be inconsistent with any policy of the private sedan business regarding smoking.
 - (b) If a vehicle is designated as a “non-smoking” vehicle, smoking shall not be permitted in the vehicle at any time by any person, including the operator.
 - (c) If a vehicle is designated as a “smoking” vehicle:
 - (1) When the operator is providing service, smoking shall only be permitted with prior consent of all passengers pursuant to the Smoking Restriction Act; and
 - (2) When the operator is providing service, the operator shall not smoke or handle tobacco products, lighters, or matches.
 - (d) The designation of a vehicle as “smoking” or “non-smoking” shall be disclosed to the passenger prior to the acceptance of the service.
- 1402.14 Unauthorized passengers. Each black car or private sedan operator shall provide service only if all the passengers in the vehicle are passengers who have been picked up pursuant to a digital dispatch. No other passenger shall be allowed.
- 1402.15 Each black car and private sedan operator shall comply with the following additional operating requirements:
- (a) Each black car and private sedan operator shall comply with the following rules of Chapter 8: § 807.3 (Distracted Driving Safety Act); § 807.4 (use of mobile phone or other electronic device); § 810.2 (unauthorized signs, provided however, that approved trade dress may be placed on private sedans pursuant to Chapter 17); § 814.7 (counterfeiting of licensing documents); §§ 816.1-816.14 (standards of conduct, including the requirement to report an arrest of the operator); § 817.1 (harassment and

use of physical force); § 818 (discrimination prohibited); § 821.5 (loitering prohibited); § 821.7 (use of taxicab stands); § 823 (manifest record, which may be provided through the DPS unit of a registered DDS); § 824 (sanctions and penalties); § 826 (filing of complaints).

- (b) Each black car operator shall comply with § 828 (reciprocity with surrounding jurisdictions).

1403 PROHIBITIONS

- 1403.1 No operator shall provide service or sign into the digital payment system (the app) if either the operator or the vehicle do not have current and valid licenses under the applicable provisions of this title.
- 1403.2 No private sedan operator shall provide service or sign into the digital payment system (the app) if the DCTC private sedan vehicle decal is not properly displayed on the vehicle in the manner prescribed by the Office pursuant to Chapter 17.
- 1403.3 No operator shall provide service or sign into the digital payment system (the app) if either the operator or the vehicle are not in full compliance with all applicable insurance requirements of this title.
- 1403.4 No operator shall provide service or sign into the digital payment system (the app) if his or her DCTC operator's license has been suspended, revoked, or not renewed by the Office, or, if the operator is a private sedan operator, if he or she has disaffiliated from, or been suspended or terminated by, the private sedan business.
- 1403.5 No operator shall associate with a digital dispatch service which is not registered under Chapter 16.
- 1403.6 No private sedan operator shall associate with a private sedan business that is not licensed under Chapter 16.
- 1403.7 No operator shall provide service while under the influence of illegal intoxicants or legal intoxicants that have been prescribed with a warning against use while driving or operating equipment.
- 1403.8 No operator shall solicit or accept a street hail, engage in false dispatch, or use a taxicab stand.
- 1403.9 No operator who possesses a DCTC private sedan operator's license shall be signed into the digital payment system and providing private sedan service for more than twenty (20) hours per week.

- 1403.10 No operator shall accept a payment from a passenger, or provide service, unless the amount of the fare (including any gratuity), and the method of payment, comply with all applicable provisions of this chapter and Chapter 16.
- 1403.11 No operator shall access or attempt to access a passenger's payment information after the payment has been processed.
- 1403.12 No operator shall fail to or refuse to pick up a passenger at the time and location agreed in the digital dispatch.
- 1403.13 No operator shall violate a provision of §§ 1402.12 through 1402.14.
- 1403.14 No operator or owner shall hinder or prevent the collection of the passenger surcharge for any trip, provided however, that a DDS or other entity may choose to pay the surcharge on behalf of the passenger provided it is paid to the District as required by the title.
- 1403.15 No operator or owner shall alter or tamper with any component of a DPS unit (including a tablet, smartphone, or the app) or make any change in the unit or the vehicle that prevents it from operating as required by the DDS or by this title.
- 1403.16 No operator shall provide service using a DPS unit that has been tampered with, broken, or altered. The operation of a vehicle with a tampered, broken, or altered DPS shall give rise to a rebuttable presumption that the operator knew of the tampering, breaking, or alteration.
- 1403.17 No operator shall fail to comply with the documentation requirements of § 1402.7.

1406 PENALTIES

- 1406.1 Each violation of this chapter, or violation of Chapter 17 of this title, shall subject an owner or operator to:
- (a) A civil fine established by a provision of this chapter;
 - (b) Suspension, which, for operators, may include one or more conditions, to be paid for by the violator, which the Office determines are related to the misconduct, including, but not limited to:
 - (1) Completion of a course in anger management course, cultural sensitivity course, sexual harassment, driver education, or another subject related to the misconduct; and

- (2) Re-taking of the DCTC commercial operator's training course (for black car owners and operators).
- (c) Revocation, or non-renewal of an operator's license and/or vehicle license issued pursuant to this title;
- (d) Impoundment of a vehicle operated in violation of this chapter, as provided in the Impoundment Act;
- (e) Confiscation of equipment (a tablet or smartphone) used in violation of this chapter; and
- (f) A combination of the sanctions enumerated in parts (a) through (e) of this subsection.

1406.2 Penalties for each violation of this chapter by a DDS shall be accordance with the penalties provisions of Chapter 16.

1406.3 Except where otherwise specified in this title or chapter, the following civil fines are established for violations of this chapter, which, unless otherwise stated in this chapter, shall double for the second violation of the same provision, and triple for each violation of the same provision thereafter:

- (a) A civil fine of two hundred fifty (\$250) dollars where no civil fine is enumerated;
- (b) For a violation of § 1402.7 for failure to comply with documentation requirements: a civil fine of three hundred dollars (\$300);
- (c) For a violation of § 1402.6 for failure to cooperate with the Office or a District enforcement official, including a failure to obey an oral compliance order by a public vehicle inspection officer, a civil fine of five hundred dollars (\$500);
- (d) For a violation of § 1403.11 by accepting an unlawful gratuity: a civil fine equal to ten (10) times the amount of the unlawful gratuity, or three hundred dollars (\$300), whichever is greater;
- (e) For a violation of § 1402.11 by engaging in conduct which causes the District to not be paid a passenger surcharge in the amount and at the time required by this title: a five hundred dollar (\$500) civil fine;
- (f) For a violation of § 1402.14 for engaging in unlawful discrimination, as prohibited by § 818: a civil fine of seven hundred fifty dollars (\$750); and

- (g) For a violation of § 1402.13 for providing service while transporting a passenger other than a passenger picked up pursuant to a dispatch: a civil fine of three hundred dollars (\$300).

1406.4 The enforcement of any provision of this chapter shall be governed by the applicable enforcement procedures Chapter 7 of this title.

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

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES COORDINATING BOARD**

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Chairperson of the Construction Codes Coordinating Board (Chairperson), pursuant to the authority set forth in Section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409 (2012 Repl.)) and Mayor's Order 2009-22, dated February 25, 2009; and the Director of the Department of Consumer and Regulatory Affairs (Director), pursuant to the authority set forth in Section 12 of the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.11 (2012 Repl. & 2013 Supp.)) (Green Building Act), Mayor's Order 2007-206, dated September 21, 2007, and Mayor's Order 2010-1, dated January 5, 2010, hereby give notice of the adoption of the following emergency rulemaking amending Title 12 of the District of Columbia Municipal Regulations (DCMR), (the "2013 D.C. Construction Codes").

This emergency rulemaking is necessitated by the immediate need to correct errata and to address various matters that were not fully resolved, or identified, prior to adoption of the 2013 D.C. Construction Codes.

This emergency rulemaking was adopted May 7, 2014 and will become effective May 9, 2014. The rules will remain in effect for up to one hundred twenty (120) days from the date of adoption, expiring September 4, 2014 or upon publication of a Notice of Final Rulemaking.

The Chairperson and Director also hereby give notice of the intent to take final rulemaking action to adopt this amendment. Pursuant to Section 10(a) of the Act, the proposed amendment will be submitted to the Council of the District of Columbia for a forty-five (45) day period of review, and final rulemaking action will not be taken until the later of thirty (30) days after the date of publication of this notice in the *D.C. Register* or Council approval of the amendment.

In the proposed amendments below, insertion of new language is indicated by **underlining**, while deletion of existing language is indicated by **~~striketrough~~**.

Chapter 1 of Subtitle A (Building Code Supplement of 2013) of Title 12 (D.C. Construction Codes of 2013) of the District of Columbia Municipal Regulations is amended as follows:

106 SUBMITTAL DOCUMENTS

106.1 General. Submittal documents shall consist of *construction documents* (as specified in this Section 106 or as may be required by the *code official*), a statement of *special inspections*, a geotechnical report and other data. The *construction documents* shall be prepared by a *registered design professional* where required by the *Construction Codes*. Where special conditions exist, the *code official* is authorized to require additional *construction documents* to be prepared by a registered design professional.

Where one or more submittal documents are required based on the permit(s) applied for,

submittal documents shall be submitted with the permit application and shall include four sets, or an electronic submission, of drawings and one set of all other supporting documents unless otherwise specified below. Notwithstanding the foregoing, all submittal documents, the permit application and all other supporting documents shall be submitted electronically, based on the following schedule:

1. Projects of 100,000 square feet or more: June 28, 2014 ~~January 1, 2014:~~
~~Projects of 100,000 square feet or more.~~
2. Projects of 75,000 square feet and up to, but less than, 100,000 square feet: September 28, 2014 ~~April 1, 2014:~~ ~~Projects of 75,000 square feet or more.~~
3. Projects of 50,000 square feet and up to, but less than, 75,000 square feet: December 28, 2014 ~~July, 1, 2014:~~ ~~Projects of 50,000 square feet or more.~~
4. Projects of less than 50,000 square feet, with the exception of projects exempted from seal requirements by Section 105.3.10.1: March 28, 2015 ~~October 1, 2014:~~ ~~All projects with the exception of projects exempted from seal requirements by Section 105.3.10.1.~~

The *code official* is authorized to modify the requirements for submittal documents when the application for permit is for *alteration* or repair or when otherwise warranted.

Exception: The *code official* is authorized to accept and process permit applications without submissions of *construction documents* and other supporting data not required to be prepared by a registered design professional, where the *code official* finds that the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with the *Construction Codes*.

Chapter 1 of Subtitle A (Building Code Supplement of 2013) of Title 12 (D.C. Construction Codes of 2013) of the District of Columbia Municipal Regulations is amended as follows:

106.1.1 Architectural and Engineering Details. The *code official* shall require adequate details of structural, accessibility, fire protection, electrical, fuel gas, mechanical, plumbing, energy conservation, and green building provisions to be filed, including computations, stress diagrams, sound transmission details and other technical data essential to assess compliance with the *Construction Codes*, as further specified in this Section 106. ~~All engineering plans and computations shall bear the signature of the District licensed professional engineer responsible for the design, as required by Section 106.3.4.~~

Chapter 1 of Subtitle A (Building Code Supplement of 2013) of Title 12 (D.C. Construction Codes of 2013) of the District of Columbia Municipal Regulations is amended as follows:

110.1.6 Certificate Issued. After the *code official* inspects the *building* or other *structure* and finds no violations of the provisions of the *Construction Codes*, the *Zoning Regulations* or other laws that are enforced by the *Department*, the *code official* shall issue a certificate of occupancy containing the following:

1. The building permit number (if applicable);
2. The address of the *structure*;
3. The name and address of the property or business *owner*, as applicable;
4. A description of that portion of the *structure* for which the certificate is issued;
5. The name of the *code official*;
6. The use and occupancy, in accordance with the provisions of Chapter 3 of the *Building Code*;
7. The use and occupancy in accordance with the *Zoning Regulations*;
8. The design occupant load;
9. Any special stipulations and conditions of the building permit; ~~and~~
10. Date of issuance;
11. If an *automatic sprinkler system* is provided, whether the sprinkler system is required;
12. The edition of the code under which the permit was issued; and
13. The type of construction as defined in Chapter 6.

Chapter 4 of Subtitle A (Building Code Supplement of 2013) of Title 12 (D.C. Construction Codes of 2013) of the District of Columbia Municipal Regulations is amended as follows:

Strike Section 403.4.5 of the *International Building Code* in its entirety and insert new Section 403.4.5 in the *Building Code* in its place to read as follows:

403.4.5 Emergency responder radio coverage. Emergency responder radio coverage shall be

provided in accordance with Section 510 of the *Fire Code*.

Chapter 32 of Subtitle A (Building Code Supplement) of Title 12 (D.C. Construction Codes of 2013) of the District of Columbia Municipal Regulations is amended as follows:

3202.7 General restrictions. All projections shall comply with the provisions of Sections 3202.7.1 through 3202.7.6.

3202.7.1 Limitations based on street width. Except as otherwise permitted by this chapter, projections shall not be allowed on any *street* less than 60 feet (18 288 mm) in width.

Exception: Projecting cornices, bases, *water tables*, pilasters or uncovered steps.

3202.7.1.1 Minimum clearance to curb line. A minimum clear space from the outer edge of the curb to the outer face of all projections and steps shall be preserved, as follows:

1. Six feet (1829 mm) on *streets* 40 feet (12 192 mm), but less than 50 feet (15 250 mm) wide;
2. Eight feet (2438 mm) on *streets* 50 feet (15 240 mm), but less than 60 feet (18 288 mm) wide;
3. Ten feet (3048 mm) on *streets* 60 feet (18 288 mm) to and including 80 feet (24 384 mm) wide;
4. Twelve feet (3658 mm) on *streets* more than 80 feet (24 384 mm) to and including 90 feet (27 432 mm) wide; and
5. Fifteen feet (4572 mm) on *streets* more than 90 feet (27 432 mm) wide.

For purposes of Section 3202.7.1.1, the term “*street*” shall include the public thoroughfare and any adjoining *building restriction areas*.

3202.10.2.2 Projection. Balcony projections shall be limited as follows:

1. Three feet (914 mm) beyond the *lot line* or *building restriction line*, if one exists, on *streets* more than 60 feet (18 288 mm) and less than 70 feet (21 336 mm) wide.
2. Four feet (1219 mm) beyond the *lot line* or *building restriction line*, if one exists, on *streets* 70 feet (21 336 mm) or more in width.

For purposes of Section 3202.10.2.2, the term “street” shall include the public thoroughfare and any adjoining building restriction areas.

3202.10.3.3 Projection. The projection of bay windows shall be limited as follows:

1. Three feet (914 mm) on *streets* 60 feet (18 288 mm) to 70 feet (21 336 mm) wide.
2. Four feet (1219 mm) on *streets* more than 70 feet (21 336 mm) wide.

For purposes of Section 3202.10.3.3, the term “street” shall include the public thoroughfare and any adjoining building restriction areas.

3202.11.2.3 Projection. Projection of one-story high porches shall be limited as follows:

1. Three feet (914 mm) on *streets* without *public parking*, 60 feet (18 288 mm) to 70 feet (21 336 mm) wide.
2. Four feet (1219 mm) on *streets* without *public parking*, more than 70 feet (21 336 mm) wide.
3. Five feet (1524 mm) on *streets* with *public parking*. Porches more than one story in height shall conform to the provisions for bay windows in Section 3202.10.3.3 as to the extent of projection beyond the *building line*.

For purposes of Section 3202.11.2.3, the term “street” shall include the public thoroughfare and any adjoining building restriction areas.

3202.11.3.2 Projection. Step and ramp projections shall be limited as follows:

1. Three feet (914 mm) on *streets* without *public parking*, 40 feet (12 192 mm) or more in width, but less than 45 feet (13 716 mm) wide.
2. Four feet (12 192 mm) on *streets* without *public parking*, 45 feet (13 716 mm) or more in width, but less than 70 feet (21 336 mm)

wide.

3. Five feet (1524 mm) on *streets* without *public parking*, 70 feet (21 336 mm) or more in width, but less than 80 feet (24 384 mm) wide.
4. Six feet (1829 mm) on *streets* without *public parking*, 80 feet (24 384 mm) or more in width.
5. Ten feet (3048 mm) on *streets* with *public parking*, 80 feet (24 384 mm) or more in width.

For purposes of Section 3202.11.3.2, the term “street” shall include the public thoroughfare and any adjoining building restriction areas.

Appendix N Signs of Subtitle A (Building Code Supplement of 2013) of Title 12 (D.C. Construction Codes of 2013) of the District of Columbia Municipal Regulations is amended as follows:

N101.18.2a.6 The Gallery Place Project Graphic in the private alley shall be subject to the permit requirements of Sections N101.18.4 3107.18.4 through N101.18.8 3107.18.8; provided, that the permit fee for the Gallery Place Project Graphic digital displays shall be three dollars (\$3) per square foot of each of the digital displays; provided further, that the reviews for the initial permit by the District Department of Transportation and the Office of Planning under Section N101.18.5 3107.18.5 (Permit Application Referrals) shall be conducted within fourteen (14) days of the referral date; and provided further, that the initial permit shall be valid for three (3) years from date of issuance and shall be renewable annually thereafter. Each application for renewal shall be submitted on or before the anniversary of the permit’s original issuance and shall be subject to review for compliance with Sections N101.18.4 3107.18.4 (Gallery Place Project Graphics Permit Application), N101.18.5 3107.18.5 (Permit Applications Referrals), N101.18.6 3107.18.6 (Effect of Adverse Report), N101.18.7 3107.18.7 (Review, Approval, and Denial of Permit Applications), and other applicable laws or regulations.

Chapter 3 of Subtitle F (Plumbing Code Supplement of 2013) of Title 12 (D.C. Construction Codes of 2013) of the District of Columbia Municipal Regulations is amended as follows:

Strike Section 305.4.1 of the International Plumbing Code in its entirety and insert new Section 305.4.1 in the Plumbing Code to read as follows:

305.4.1 Sewer depth.

Building sewers shall be installed not less than 30 inches (762 mm) below grade. Building sewers that connect to *approved* private sewage disposal systems shall be installed not less than 30 inches (762 mm) below finished grade at the point of septic tank connection.

Chapter 6 of Subtitle F (Plumbing Code Supplement of 2013) of Title 12 (D.C. Construction Codes of 2013) of the District of Columbia Municipal Regulations is amended as follows:

Table 603.3.1 Water Service Backflow Prevention

Domestic Backflow Prevention Device

Facility type	Service Size	Type	Location Note ^a
Residential or non-residential	1", 1 1/2" and 2"	Dual Check Valve Type (ASSE 1024-compliant)	On the discharge side of meter yoke Note ^b
Non-residential	3" and larger	Double Check BFP Assembly (ASSE 1015-compliant)	Inside facility, within 10 feet of water service point of entry
High Risk Non-residential	Any	Reduced Pressure Principle BF Preventer (ASSE 1013-compliant)	

Fire Protection Backflow Prevention Device

Water Treatment	Type	Location Note ^a
No chemical additives	Double Check Fire Protection BFP Assembly (ASSE 1015 – compliant) Double Check Detector Fire Protection BFP Assembly (ASSE 1048 –compliant)	Inside facility, within 10 feet of water service point of entry
Treated with chemical additives	Reduced Pressure Principle Fire Protection BF Preventer (ASSE 1013-compliant) Reduced Pressure Detector Fire Protection BFP Assembly (ASSE 1047-compliant)	

For SI: 1 inch = 25.4 mm, 1 ft = 304.8 mm, 1 pound per square inch = 6.895 kPa.

a - Backflow prevention device shall always be located upstream from any water outlet.

b - Where inlet pressure to meter yoke is less than 42 psi, it is acceptable to locate the domestic backflow prevention device inside the facility, within 10 feet of water service point of entry.

Chapter 7 of Subtitle F (Plumbing Code Supplement of 2013) of Title 12 (D.C. Construction Codes of 2013) of the District of Columbia Municipal Regulations is amended as follows:

Strike Section 701.2 of the International Plumbing Code in its entirety and insert new Section 701.2 in the Plumbing Code to read as follows:

701.2 Sewer required.

Buildings in which plumbing fixtures are installed and premises having drainage piping shall be connected to a public sewer where available, or an approved private sewage disposal system.

Chapter 3 of Subtitle G (Property Maintenance Code Supplement of 2013) of Title 12 (D.C. Construction Codes of 2013) of the District of Columbia Municipal Regulations is amended as follows:

310.1 Carbon monoxide alarms. Effective 36 months ~~one year~~ from the date the 2013 edition of the *Construction Codes* is adopted pursuant to Section 122 of the *Building Code*, an *approved* carbon monoxide alarm shall be installed, in Group I and R occupancies and buildings regulated by the *Residential Code*, in the immediate vicinity of the *bedrooms* in *dwelling units* located in a building containing a fuel-burning appliance or a building which has an attached garage. Only one alarm shall be required outside each separate sleeping area or grouping of *bedrooms*. The carbon monoxide alarms shall be listed as complying with UL 2034 and be installed and maintained in accordance with NFPA 720 and the manufacturer's instructions. An *open parking garage*, as defined by Chapter 2 of the *Building Code*, or an enclosed parking garage ventilated in accordance with section 404 of the *Mechanical Code*, shall not be considered an attached garage.

Exception: A *sleeping unit* or *dwelling unit* which does not itself contain a fuel-burning appliance or have an attached garage, but which is located in a building with a fuel-burning appliance or an attached garage, need not be equipped with a carbon monoxide alarm provided that:

1. The *sleeping unit* or *dwelling unit* is located more than one story above or below any story which contains a fuel-burning appliance or attached garage;
2. The *sleeping unit* or *dwelling unit* is not connected by ductwork or ventilation shafts to any room containing a fuel-burning appliance or to an attached garage; and
3. The building is equipped with a common area carbon monoxide alarm system.

Chapter 7 of Subtitle G (Property Maintenance Code Supplement of 2013) of Title 12 (D.C. Construction Codes of 2013) of the District of Columbia Municipal Regulations is amended as follows:

Strike Section 704.2 of the International Property Maintenance Code in its entirety and insert new Sections 704.2 and 704.2.1 in the Property Maintenance Code in its place to read as follows:

704.2 Smoke alarms. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, and R-4, and dwellings not regulated as Group R occupancies, ~~R or I-1 occupancies~~ regardless of *occupant* load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms*.
2. In each room used for sleeping purposes.
3. In each story within a *dwelling unit*, including *basements* and cellars but not including crawl spaces and uninhabitable attics. In dwellings or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed and maintained in other groups in accordance with the *Fire Code*.

704.2.1 Transition period for certain existing occupancies. Existing Group ~~I-1 and R~~ R-2 and R-3 occupancies, and dwellings not regulated as Group R occupancies, that contain smoke alarms in locations that comply with Section 704.2(1) or (2) shall have a 36-month period, commencing on the date of adoption of the 2013 edition of the *D.C. Construction Codes* in accordance with Section 122 of the *Building Code*, ~~shall have a 36 month period, commencing on~~ to install smoke alarms in the additional locations specified in Section 704.2(1), (2) and (3). ~~that comply with the requirements of Section 704.2.~~

Insert a new Section 704.5 in the Property Maintenance Code to read as follows:

704.5 Fire alarm systems. Fire alarm systems shall be continuously maintained in accordance with applicable NFPA requirements or as otherwise directed by the *code official*.

704.5.1 Manual fire alarm boxes. All manual fire alarm boxes shall be operational and unobstructed.

704.5.2 Fire alarm signage. Where fire alarm systems are not monitored by a supervising station, an approved permanent sign shall be installed adjacent to each manual fire alarm box that reads: “**WHEN ALARM SOUNDS CALL FIRE DEPARTMENT**”.

Exception: When the manufacturer has permanently provided this information on the manual fire alarm box.

704.5.3 Fire alarm notice. ~~In accordance with the requirements of the Fire Alarm Notice and Tenant Fire Safety Amendment Act of 2009, effective March 11, 2010 (D.C. Law 18-116; D.C. Official Code § 6-751.11 (2012 Repl.),~~ the owner of a building containing four or more dwelling units, rooming units or sleeping units, including a building containing four or more residential condominium or cooperative units, shall post in conspicuous places in the common spaces of the building, and distribute to each tenant or unit owner, a written notice that provides information about fire alarm systems in the building. The notice shall be on a form developed and published by the code official in English and in the languages required under section 4 of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933 (2012 Repl.). The notice shall include the following information:

1. Instructions on the operation of manual fire alarm boxes of the building fire alarm system;
2. Instructions on what to do when the dwelling unit’s smoke detectors activate, including abandoning the dwelling unit immediately, closing the door of the unit, and actuating the nearest manual fire alarm box;
3. Whether the building fire alarm system is monitored by a supervising station; and
4. Instructions to report any fire event by immediately calling 911.

For purposes of this section, the owner of a building containing condominium or cooperative units shall be the unit owners’ association, the cooperative housing association, or other entity having responsibility for managing the condominium or cooperative on behalf of the unit owners.

704.5.4 Housing Business. Where the owner or operator of a housing business has failed to comply with the smoke alarm provisions of Section 704.2, the tenant is authorized to purchase, install and maintain battery-operated smoke alarm(s) as a temporary safeguard at the owner’s expense, subject to the following: (a) the tenant must notify the owner or operator in writing that installation, replacement or repair of a smoke alarm is required by Section 704.2 and request that the owner or operator take appropriate action, and the owner or operator fails to take the

requested action within 10 days after such request or such later date as mutually agreed; and (b) the *tenant* must provide the *owner* or authorized agent of the *owner* with access to the *dwelling unit* to correct any smoke alarm deficiencies which have been reported.

Reasonable costs incurred by the *tenant* may be deducted from the rent for the *dwelling unit* pursuant to procedures governing landlord tenant relationships set forth in 14 DCMR. No *tenant* shall be charged, evicted, or penalized in any fashion for failure to pay the reasonable costs deducted from the rent for the *dwelling unit* for purchase, installation or maintenance of smoke alarms under this section.

704.5.4.1 Emergency measures. The failure of an *owner* or *operator* of a *housing business* to comply with Section 704.2 shall be deemed an imminent danger pursuant to Section 109 of the *Property Maintenance Code* and Section 111.2 of the *Fire Code*.

704.5.4.2 Owner responsibility. Except as provided in Section 704.5.4.4, no act or omission by a *tenant* under this section 704.5.4 shall relieve the *owner* of responsibility to ensure full and continuing compliance with Section 704.

704.5.4.3 Tenant responsibility. Except as provided in Section 704.5.4.4, nothing in this Section 704.5.4 shall be construed: (a) to impose a penalty or other liability on a *tenant* for failure to install or maintain a smoke alarm; or (b) to mean that a *tenant* who fails to install or maintain a smoke alarm is contributorily negligent.

704.5.4.4 Disabling of smoke alarms. Tampering with, removing, destroying, disconnecting, or removing the batteries from any installed smoke alarm, except in the course of authorized inspection, maintenance or replacement of the alarm, is prohibited.

704.5.4.5 Other penalties. Nothing in this Section shall be deemed to negate the obligation of the *owner* or *operator* to comply with the requirements of Section 704.2, or to preclude the *code official* from pursuing other penalties and remedies under this code where the *owner* or *operator* fails to comply with Section 704.2.

Chapter 1 of Subtitle H (Fire Code Supplement of 2013) of Title 12 (D.C. Construction Codes of 2013) of the District of Columbia Municipal Regulations is amended as follows:

TABLE 105.6.20

PERMIT AMOUNTS FOR HAZARDOUS MATERIALS

TYPE OF MATERIAL	AMOUNT
Oxidizing materials Gases Liquids	See Section 406.6.8 <u>105.6.8</u>

Chapter 3 of Subtitle H (Fire Code Supplement of 2013) of Title 12 (D.C. Construction Codes of 2013) of the District of Columbia Municipal Regulations is amended as follows:

Strike Section 304.1.2 of the International Fire Code in its entirety and insert new Section 304.1.2 in the Fire Code in its place to read as follows:

304.1.2 Vegetation.

Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises.

Chapter 5 of Subtitle H (Fire Code Supplement of 2013) of Title 12 (D.C. Construction Codes of 2013) of the District of Columbia Municipal Regulations is amended as follows:

CHAPTER 5 FIRE SERVICE FEATURES

- 507 Fire Protection Water Supplies
- 508 Fire Command Center
- 510 Emergency Responder Radio Coverage

510 EMERGENCY RESPONDER RADIO COVERAGE

Strike Section 510.1 of the International Fire Code in its entirety and insert new Section 510.1 in the Fire Code in its place to read as follows:

510.1 Emergency responder radio coverage in new buildings.

All new buildings shall have approved radio coverage for emergency responders within the building, based upon the existing coverage levels of the public safety communication systems of the District of Columbia at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

Exceptions:

1. Where approved by the building official and the fire code official, a wired communication system in accordance with Section 907.2.13.2 shall be permitted to be installed or maintained in lieu of an approved radio

coverage system.

2. Where it is determined by the District of Columbia Office of Unified Communications (OUC) and the *fire code official* that the radio coverage system is not needed based on procedures and criteria set forth in Section 510 and in OUC guidelines.
3. In facilities where emergency responder radio coverage is required and such systems, components or equipment could have a negative impact on the normal operations of that facility, the *fire code official* shall have the authority to accept an automatically activated emergency responder radio coverage system.
4. Buildings covered by the *Residential Code*.
5. Group R-2 buildings with four or fewer *dwelling units* per floor up to three floors above grade.
6. Group R-3 buildings.

Strike Section 510.3 of the International Fire Code in its entirety and insert new Section 510.3 in the Fire Code in its place to read as follows:

510.3 Permits required.

No emergency responder radio coverage system or related equipment shall be installed or modified without a building permit and any required electrical permit issued by the *building code official*. An operational permit issued by the *fire code official* pursuant to Section 105.6.47 shall be required to use any emergency responder radio coverage system or related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

Insert new Section 510.7 in the Fire Code to read as follows:

510.7 Office of Unified Communications Requirements. Emergency responder radio coverage systems and related equipment shall comply with all additional requirements, specifications and criteria established by the District of Columbia Office of Unified Communications to satisfy the operational needs of emergency responders and to prevent adverse impact on the District of Columbia's public safety communications.

Chapter 11 of Subtitle H (Fire Code Supplement of 2013) of Title 12 (D.C. Construction Codes of 2013) of the District of Columbia Municipal Regulations is amended as follows:

Strike Section 1103.2 of the International Fire Code in its entirety and insert new Section 1103.2

in the Fire Code in its place to read as follows:

1103.2 Emergency responder radio coverage in existing buildings.

Existing buildings that do not have approved radio coverage for emergency responders within the building, based upon the existing coverage levels of the public safety communication systems of the District of Columbia at the exterior of the building, shall be equipped with such coverage according to one of the following:

1. Whenever an existing wired communication system cannot be repaired or is being replaced, or where not approved in accordance with Section 510.1, Exception 1; or
2. Within a time frame established by the District of Columbia Office of United Communications (OUC) and the fire code official.

Exception: Where it is determined by OUC and the fire code official that the radio coverage system is not needed.

Strike Sections 1103.8 and 1103.8.1 of the International Fire Code (with no change to Sections 1103.8.2 and 1103.8.3) and insert new Sections 1103.8 and 1103.8.1 in the Fire Code in their place to read as follows:

1103.8 Single and multiple-station smoke alarms. Single- or multiple-station smoke alarms shall be installed and maintained in existing Group I-1 and R occupancies, in accordance with Sections 1103.8.1 through 1103.8.3. ~~regardless of occupant load at all of the following locations:~~

1. ~~On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.~~
2. ~~In each room used for sleeping purposes.~~
3. ~~In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.~~

~~Single or multiple-station smoke alarms shall be installed in other groups in accordance with the Fire Code.~~

1103.8.1 Existing occupancies ~~Existing Group I-1 and R occupancies shall have a 36 month period, commencing on the date of adoption of the 2013 edition of the D.C. Construction Codes in accordance with Section 122 of the Building Code to install smoke alarms that comply with the requirements of Section 1103.8.~~

1103.8.1 Where required. Existing Group I-1 and R occupancies shall be provided with single- or multiple-station smoke alarms in accordance with Section 907.2.11, except as provided in Sections 1103.8.2 and 1103.8.3.

Insert new Section 1103.8.4 in the Fire Code to read as follows:

1103.8.4 Transition period for certain occupancies. Existing Group R-2 and R-3 occupancies that contain smoke alarms in locations that comply with Section 907.2.11.2 (1) or (2) shall have a 36-month period, commencing on the date of adoption of the 2013 edition of the *D.C. Construction Codes* in accordance with Section 122 of the *Building Code*, to install smoke alarms in the additional locations specified in Section 907.2.11.2.

Strike Section 1103.23 of the International Fire Code in its entirety and insert new Section 1103.23 in the Fire Code in its place to read as follows:

1103.23 Elevator operation. Existing elevators with a travel distance of 25 feet (7620 mm) or more above or below the main floor or other level of a building, and intended to serve the needs of emergency personnel for fire-fighting or rescue purposes, shall be provided with emergency operation when required by the *Existing Building Code*.

Chapter 3 of Subtitle K (Green Building Code Supplement of 2013) of Title 12 (D.C. Construction Codes of 2013) of the District of Columbia Municipal Regulations is amended as follows:

302.3.3 Interior construction of mixed use space in a residential project. Where residential occupancies exceed 50 percent of the gross floor area of the project, including allocable area of common space, and the project contains at least 50,000 contiguous square feet (4645 m²) of gross floor area, exclusive of common space, that is or would be occupied for ~~of the~~ non-residential use occupancies, then the space designated for non-residential occupancies shall be designed and constructed to meet or exceed one or more of the applicable LEED standards listed in Section 302.4 at the Certified Level. The applicant shall provide plans and supporting documents in sufficient detail and clarity to enable the code official to verify compliance with this section.

Chapter 5 of Subtitle K (Green Building Code Supplement of 2013) of Title 12 (D.C. Construction Codes of 2013) of the District of Columbia Municipal Regulations is amended as follows:

CHAPTER 5 MATERIAL RESOURCE CONSERVATION AND EFFICIENCY

- 503 Construction Waste Management
- 504 Waste Management and Recycling
- 505 Material Selection
- 507 Building Envelope Moisture Control

SECTION 507 BUILDING ENVELOPE MOISTURE CONTROL

Strike Section 507.1 of the International Green Construction Code in its entirety and insert new Section 507.1 in the Green Construction Code in its place to read as follows:

507.1 Moisture control preventative measures.

Moisture preventative measures shall be inspected in accordance with Section 109 of 12 DCMR A and applicable Administrative Bulletins Sections 902 and 903 for the categories listed in Items 1 through 7. ~~Inspections shall be executed in a method and at a frequency as listed in Table 903.1.~~

1. Foundation sub-soil drainage system.
2. Foundation waterproofing.
3. Foundation dampproofing.
4. Under slab water vapor protection.
5. Flashings: Windows, exterior doors, skylights, wall flashing and drainage systems.
6. Exterior wall coverings.
7. Roof coverings, roof drainage, and flashings.

All persons desiring to comment on these proposed regulations should submit comments in writing to Paul Waters, Construction Codes Coordinating Board Chairperson, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Room 5100, Washington, D.C. 20024, or via e-mail at paul.waters@dc.gov, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Persons with questions concerning this Notice of Proposed Rulemaking should call (202) 442-4400. Copies of the proposed rules can be obtained from the address listed above. A copy fee of one dollar (\$1.00) will be charged for each copy of the proposed rulemaking requested. Free copies are available on the DCRA website at <http://dcra.dc.gov> by going to the "About DCRA" tab, clicking on "News Room", and then clicking on "Rulemaking".

THE OFFICE OF CONTRACTING AND PROCUREMENT**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Chief Procurement Officer of the District of Columbia, pursuant to the authority set forth in Section 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-361.06 (2012 Repl.)) (“Act”), hereby gives notice of the adoption, on an emergency basis, of an amendment to Subsection 3205.1 of Chapter 32 (Contract Financing and Funding) of Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations (“DCMR”).

This amendment adds a new paragraph (p) to Subsection 3205.1, which permits the Chief Procurement Officer to authorize advance payments to a provider of non-emergency transportation services for the District’s Medicaid and Eligible Fee-for-Service recipients.

The Centers for Medicare and Medicaid Services (“CMS”) fund the District’s contracts to provide non-emergency transportation services to the District’s Medicaid and Eligible Fee-for-Service recipients. CMS’s established policy is to prepay the contractors who provide these services based on established capitation rates. This rulemaking will amend the Contracting and Procurement regulations to allow the District to prepay contractors for non-emergency transportation services in accordance with CMS’s procedures. Adoption of these emergency rules is therefore necessary for the immediate preservation and promotion of public safety and welfare.

The emergency rules were adopted March 31, 2014, and became effective on that date. They will remain in effect for up to one hundred twenty (120) days and will expire on July 29, 2014 or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

The Chief Procurement Officer also gives notice of intent to take final rulemaking action to adopt this amendment in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Subsection 3205.1 of Chapter 32, CONTRACT FINANCING AND FUNDING, of Title 27, CONTRACTS AND PROCUREMENTS, of the DCMR is amended by adding a new paragraph (p) to read as follows:

- (p) Notwithstanding subparagraphs (a) through (g) above, the contracting officer may authorize advance payments to a responsible contractor who is a provider of non-emergency transportation services to the District’s Medicaid and Eligible Fee-for-Service recipients. The contractor may be paid a prospective capitation rate for each recipient.

All persons desiring to comment on the subject matter of this proposed rulemaking should submit comments to the Chief Procurement Officer, 441 4th Street, 700 South, Washington, D.C. 20001. Comments may be sent by email to OCPRulemaking@dc.gov, by postal mail or hand delivery to the address above, or by calling (202) 727-0252.

Comments must be received no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. A copy of this proposed rulemaking may be requested at the same address, e-mail, or telephone number as above.

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

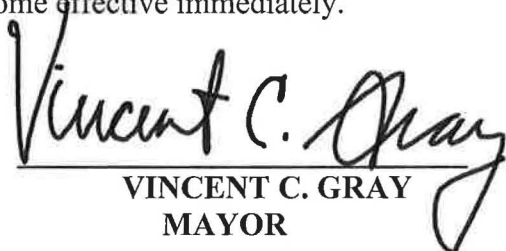
Mayor's Order 2014-083
April 21, 2014


SUBJECT: Appointments -- Mayor's Advisory Committee on Child Abuse and Neglect

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with Mayor's Order 2012-164, dated October 3, 2012, it is hereby **ORDERED** that:

1. **LEWIS J. DOUGLAS, JR.** is appointed as member of the Mayor's Advisory Committee on Child Abuse and Neglect, representing the Metropolitan Police Department, and shall serve in this capacity at the pleasure of the Mayor.
2. **ANDREA E. ALLEN** is appointed as member of the Mayor's Advisory Committee on Child Abuse and Neglect, representing the District of Columbia Public Schools, and shall serve in this capacity at the pleasure of the Mayor.
3. **DR. LOURDES GREEN** is appointed as a member of the Mayor's Advisory Committee on Child Abuse and Neglect, as a representative of an advocacy organization, for a term to end September 24, 2016.
4. **EFFECTIVE DATE:** This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST: 
CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

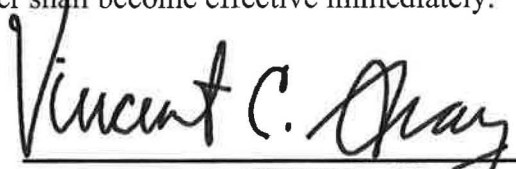
Mayor's Order 2014-084
April 21, 2014

SUBJECT: Appointment – Commission on the Arts and Humanities


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 Repl.), and pursuant to sections 4(a) and (b) of the Commission on the Arts and Humanities Act, effective October 21, 1975, D.C. Law 1-22, D.C. Official Code §§ 39-203(a) and (b) (2012 Repl.), it is hereby **ORDERED** that:

1. **ANTOINETTE FORD**, who was nominated by the Mayor on February 19, 2014, and approved by the Council pursuant to Resolution 20-0449 on April 8, 2014, is appointed as a member of the Commission on the Arts and Humanities, for a term to end June 30, 2016.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



 VINCENT C. GRAY
 MAYOR

ATTEST: 

 CYNTHIA BROCK-SMITH
 SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

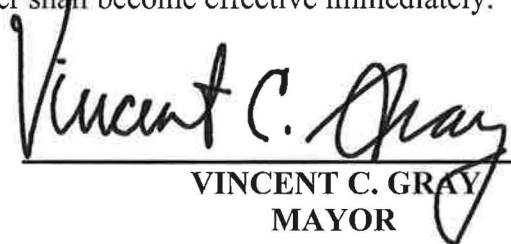
Mayor's Order 2014-085
April 21, 2014

SUBJECT: Appointment – Board of Chiropractic


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 216 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99, D.C. Official Code § 3-1202.16 (2012 Repl.), it is hereby **ORDERED** that:

1. **JUSTIN PALMER**, who was nominated by the Mayor on January 14, 2014, and deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0623 on March 8, 2014, is appointed as a consumer member of the Board of Chiropractic, for a term to end October 23, 2016.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

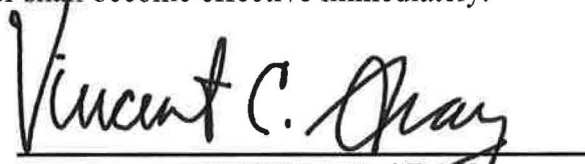
Mayor's Order 2014-086
April 22, 2014

SUBJECT: Appointment – District of Columbia Developmental Disabilities Fatality Review Committee


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(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 Repl.), and in accordance with Mayor's Order 2009-225, dated December 22, 2009, as amended by Mayor's Order 2013-154, dated August 26, 2013, it is hereby **ORDERED** that:

1. **ROGER A. MITCHELL, Jr., M.D., FASCP** is appointed to the District of Columbia Developmental Disabilities Fatality Review Committee, as the designee representative for the Office of the Chief Medical Examiner, and shall serve only while employed in his official position and shall serve at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 
CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

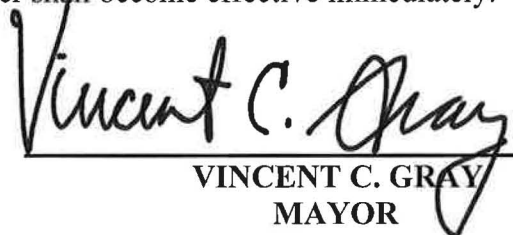
Mayor's Order 2014-087
April 22, 2014

SUBJECT: Appointment – Board of Medicine


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 203 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99, D.C. Official Code § 3-1202.03 (2012 Repl.), it is hereby **ORDERED** that:

1. **TREASURE JOHNSON**, who was nominated by the Mayor on February 7, 2014, and deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0653 on April 5, 2014, is appointed as a consumer member of the Board of Medicine, for a term to end August 4, 2016.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2014-088
April 23, 2014

SUBJECT: Delegation of Authority to the Director of the Department of General Services to Convey an Easement to the District of Columbia Water and Sewer Authority


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

1. The Director of the Department of General Services (DGS) is delegated the authority to execute and convey an easement to the District of Columbia Water and Sewer Authority for use of the property located in Square 5861, Lot 90 in the District of Columbia, which is also known as 821 Howard Road, SE (the "Property") for the purpose of installing a subterranean tunnel, and all other documents necessary to effectuate the right to use the Property.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-089
April 24, 2014


SUBJECT: Delegation of Authority to the Deputy Mayor for Planning and Economic Development to Solicit Offers, Accept Unsolicited Offers, and Execute Certain Documents with Respect to the Real Property in Washington, DC Known as Reservation 13, Which is Known for Tax and Assessment Purposes as Lots 801, 802, 803, and 804 in Square 1112-E (the "**Property**")

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by sections 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 Repl.), section 1 of An Act authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939, 53 Stat. 1211, D.C. Official Code § 10-801 *et seq.* (2012 Repl. and 2013 Supp.), and section 1(c) of An Act to grant additional powers to the Commissioners of the District of Columbia and for other purposes, approved December 20, 1944, as amended, 58 Stat. 819, D.C. Official Code § 1-301.01(c) (2013 Supp.), it is hereby **ORDERED** that:

1. The Deputy Mayor for Planning and Economic Development (the "**Deputy Mayor**") is delegated the authority to solicit offers, accept unsolicited offers, and execute on behalf of the District of Columbia any and all documents related to the disposition, development or use of the Property, and to take all actions necessary or useful for or incidental to the solicitation and disposition or lease of the Property, including, but not limited to, easements, license agreements, use agreements, lease agreements, right of entry agreements, covenants, and/or other associated documents.
2. The authority delegated herein to the Deputy Mayor may be further delegated to subordinates under the jurisdiction of the Deputy Mayor.
3. This Order supersedes all previous Mayor's Orders to the extent of any inconsistency therein.

4. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to October 4, 2012.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-090
April 24, 2014

SUBJECT: Delegation of Authority to the Deputy Mayor for Planning and Economic Development to Solicit Offers, Accept Unsolicited Offers, and Execute Certain Documents with Respect to District owned real property known for tax and assessment purposes as Lot 0893 in Square 5865 (the "**Property**")

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by sections 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 Repl.); section 1 of An Act authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939, 53 Stat. 1211, D.C. Official Code § 10-801 *et seq.* (2012 Repl. and 2013 Supp.); section 1(c) of An Act to grant additional powers to the Commissioners of the District of Columbia and for other purposes, approved December 20, 1944, as amended, 58 Stat. 819, D.C. Official Code § 1-301.01(c) (2013 Supp.), it is hereby **ORDERED** that:

1. The Deputy Mayor for Planning and Economic Development is delegated the authority to solicit offers, accept unsolicited offers, and execute on behalf of the District of Columbia any and all documents related to the disposition, development or use of the Property and to take all actions necessary or useful for or incidental to the solicitation and disposition or lease of the Property, including, but not limited to, easements, license agreements, use agreements, lease agreements, covenants, and/or other associated documents.
2. The authority delegated herein to the Deputy Mayor may be further delegated to subordinates under the jurisdiction of the Deputy Mayor.
3. This Order supersedes all previous Mayor's Orders to the extent of any inconsistency therein.

4. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to February 18, 2014.



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 2014-091
April 28, 2014


SUBJECT: Appointment – Acting Director of the District of Columbia Office of Planning

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

1. **ELLEN MCCARTHY** is appointed Acting Director of the District of Columbia Office of Planning and shall continue to serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2014-042, dated February 20, 2014.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to April 14, 2014.


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
CANCELLATION AGENDA
THURSDAY, MAY 14, 2014 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

The Board will be cancelling the following licenses for the reasons outlined below.

ABRA- 009229– *Phillips Flagship* - CR - 900 Water Street, SW
[Enforcement confirmed that the Licensee is Out of Business and no longer operating.]

ABRA- 060263– *Palena* - CR - 3529 Connecticut Avenue, NW
[Enforcement confirmed that the Licensee is Out of Business and no longer operating.]

ABRA-082446– *Kababji* - CR - 3529 Connecticut Avenue, NW
[Enforcement confirmed that the Licensee is Out of Business and no longer operating.]

ABRA-007374– *Mixtec* - CR - 1792 Columbia Road, NW
[Enforcement confirmed that the Licensee is Out of Business and no longer operating.]

ABRA-087031– *Elisir Restaurant* - CR - 427 11th Street, NW
[Enforcement confirmed that the Licensee is Out of Business and no longer operating.]

ABRA-090431– *Thaaja Indian Food Bar* - CR - 1335 2nd Street, NE
[Enforcement confirmed that the Licensee is Out of Business and no longer operating.]

ABRA-060301– *Burma Restaurant* - CR - 740 6th Street, NW B
[Enforcement confirmed that the Licensee is Out of Business and no longer operating.]

ABRA-008469– *Luigi's Restaurant* - CR - 1132 19th Street, NW
[Enforcement confirmed that the Licensee is Out of Business and no longer operating.]

ABRA-079744– *Potenza Wine Store* - A - 1426 H Street, NW

[Enforcement confirmed that the Licensee is Out of Business and no longer operating.]

ABRA-073063– *Good Libation* - A - 1201 5th Street, NW

[Enforcement confirmed that the Licensee is Out of Business and no longer operating.]

ABRA- 060573 - *Baja Fresh*- Retail – Restaurant - D - 1333 New Hampshire Avenue, NW

[Enforcement confirmed that the Licensee is Out of Business and no longer operating.]

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

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, MAY 14, 2014
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On May 14, 2014 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#14-CC-00030 Field to City, 200 RHODE ISLAND AVE NW Retailer B Retail - Grocery, License#: ABRA-076751

2. Case#14-CC-00044 W Domku, 821 UPSHUR ST NW Retailer C Tavern, License#: ABRA-071113

3. Case#14-CC-00027 Equinox, 818 CONNECTICUT AVE NW B Retailer C Restaurant, License#: ABRA-026656

4. Case#14-CC-00026 Mr. Smith's, 3104 M ST NW Retailer C Restaurant, License#: ABRA-000864

5. Case#14-CC-00042 Top Spanish Cafe & Catering, 3541 GEORGIA AVE NW Retailer C Restaurant, License#: ABRA-084580

6. Case#14-251-00116 Opera Ultra Lounge, 1400 I ST NW Retailer C Nightclub, License#: ABRA-084711

7. Case#14-CMP-00157 Panas Gourmet Empanadas, 2029 P ST NW Retailer D Restaurant, License#: ABRA-088954

8. Case#14-251-00110 Centeno's Restaurant, 827 KENNEDY ST NW Retailer C Restaurant,
License#: ABRA-090806

9. Case#14-CC-00043 Petworth Citizen, 829 UPSHUR ST NW Retailer C Tavern, License#:
ABRA-091646

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LEGAL AGENDA

WEDNESDAY, MAY 14, 2014 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Motion to Amend Board Order 2014-131 dated May 2, 2014 from Emanuel Mpras Counsel, for Pulse Nightclub, LLC. *Pulse Nightclub*, 2142 Queens Chapel Road NE, Retailer CN, Lic#: 94074.

2. Review of Motion to withdraw the Motion to Impose Automatic Stay dated May 5, 2014 from Risa Hirao Counsel, for Sheldon Arpad. *NY NY Diva*, 2406 18th NW, Retailer CR, Lic#: 92380.

3. Review of Applicant's Motion to Reinstate Petition to Terminate, dated May 5, 2014 from Richard Bianco Counsel, for 2461 Corporation. *Madam's Organ*, 2461 18th Street NW, Retailer CT, Lic#: 25273.

4. Review of Settlement Agreement and Resolution dated April 29, 2014 between ANC 4A and Atsede Corporation. *Nile Restaurant and Market*, 7815 Georgia Avenue NW, Retailer CR, Lic#: 50151.

*** In accordance with D.C. Official Code §2-574(b) Open Meetings Act, 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**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, MAY 14, 2014 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review letter form Attorney/Agent requesting change in approved Summer Garden endorsement to Sidewalk Café endorsement. No Outstanding Fines/Citations. No pending enforcement matters. No Settlement Agreement. ANC 2B. SMD 2B01. *Odeon Café*, 1714 Connecticut Avenue NW, Retailer CR, License No. 005811.

2. Review application request for Change of Hours. *Approved Hours of Operation and Sales*: Sunday-Saturday 9am to 9pm. *Proposed Hours of Operation*: Sunday-Saturday 6am to 6am (24 hours). *Proposed Hours of Sales*: Sunday-Saturday 7am to 12am. No Outstanding Fines/Citations. No pending enforcement matters. No Settlement Agreement. ANC 7F. SMD 7F06. *M&M Market*, 3544 E. Capitol Street, NE, Retailer B, License No. 078461.

3. Review application for Sidewalk Café endorsement for 44 seats. No Outstanding Fines/Citations. No pending enforcement matters. No Settlement Agreement. ANC 2A. SMD 2A03. *The River Inn/Dish*, 924 25th Street, NW, Retailer C, License No. 001782.

4. Review Motion to Rescind Cancellation of License from Attorney Andrew J. Kline representing Halifax 21 LLC. *Café Japone*, 2032 P Street NW, Retailer CR, License No. 010581.

5. Review letter from Attorney Phillip C. Dales on behalf of Wholesaler. ANC 5C. SMD 5C04. *Frederick P Winner, Ltd. t/a Foreign Import Brands Company*, 3125-3145 V Street NE, Suite 2, Wholesaler A, License No. 086499.

Board's Agenda –May 14, 2014 - Page 2

6. Review letter from licensee requesting refund of late fees. No Outstanding Fines/Citations. No pending enforcement matters. No Settlement Agreement. ANC 1B. SMD 1B02. *Dove House Liquors*, 1905 9th Street, NW, Retailer A, License No. 089439.
-

***In accordance with D.C. Official Code §2-574(b) of the Open Meetings Amendment Act, 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.**

**CESAR CHAVEZ PUBLIC CHARTER SCHOOLS FOR PUBLIC POLICY
REQUEST FOR PROPOSALS**

Electrical Services

The Cesar Chavez Public Charter for Public Policy Schools solicits proposals for energy brokers who can provide us with a discounted price for electricity with Pepco.

More contact information will be provided upon request to jeff.cooper@chavezschools.org

Email questions to jeff.cooper@chavezschools.org with the subject line as “Electrical Services for Chavez Schools”.

Proposals are due not later than: May 13, 2014; 12:00pm

OFFICE OF THE CHIEF FINANCIAL OFFICER
Office of Revenue Analysis

NOTICE OF INCREASE IN THE TAX YEAR 2015 SURTAX
FOR CIGARETTE PACKAGES IN THE DISTRICT OF COLUMBIA

Pursuant to D.C. Code §47-2402(a)(3)(A), the District of Columbia shall provide notice of the appropriate calculated surtax on a package of cigarettes on or before September 1st of each year for the upcoming tax year that begins on October 1st. The calculated surtax levy shall be equivalent to a levy of the general sales tax rate in effect for the upcoming tax year.

In April 2014, the Office of Revenue Analysis collected retail sale price data on a cross section of packages of 20 cigarettes from a cross section of retail outlets in the city. Based on the analysis of the data with respect to the aforementioned legislation, the Office of Revenue Analysis has determined that the 2014 average retail sale price of a package of 20 cigarettes in the city is \$8.06, and the calculated surtax for tax year 2015 shall be \$0.40 per pack of cigarettes, up from \$0.36 for tax year 2014.

A package of cigarettes is defined as one with 20 or fewer cigarettes. However, if a package of cigarettes sold in tax year 2015 contains more than 20 cigarettes, the surtax per pack must be incrementally increased by \$0.020 per each cigarette above 20.

Calculated Surtax on a Package of 20 Cigarettes (or Fewer)
For Tax Year 2015

2014 Average Retail Sale Price for a Package of 20 Cigarettes	\$8.06
Less Current Surtax & Estimated Costs of Business	-\$1.13
Adjusted Average Retail Sales Price	\$6.93
Calculated Surtax (5.75% Sales Tax Equivalent) Effective October 1, 2014	\$0.40

Effective October 1, 2014, the above surtax of \$0.40 per pack of cigarettes is in addition to the cigarette excise tax of \$2.50 per pack. Thus, the total tax levy for cigarettes in the District of Columbia for tax year 2015 shall be \$2.90 per pack of 20.

**DEPARTMENT OF CONSUMER AND REGULATORY
CONSTRUCTION CODES
ADMINISTRATIVE BULLETIN CC2014-01**

Issuer: Rabbiah Sabbakhan
Chief Building Official

Issuance Date: May 9, 2014

Purpose: This document provides guidance and information relating to DCRA steps and regulatory procedures, in order to assist the public in interpreting and complying with the relevant green building and energy conservation laws and regulations.

Related Code

Section: 2013 District of Columbia Green Construction Code (Green Construction Code Supplement, 12 DCMR K); 2013 District of Columbia Energy Conservation Code (Energy Conservation Code Supplement, 12 DCMR I); 2013 District of Columbia Building Code (Chapter 1 of 12 DCMR A); 2008 District of Columbia Building Code (Chapter 13A of 12A DCMR).

Subject(s): Green Building Program Manual

This *Administrative Bulletin* provides guidance and information relating to DCRA steps and regulatory procedures, in order to assist the public in interpreting and complying with the relevant green building and energy conservation laws and regulations.

The Green Building Program Manual covers the following areas of the design and construction process in detail to guide projects through the green building and energy conservation laws and regulations in the District of Columbia:

1. Design Phase
2. Building Permitting Process
3. Building Inspections
4. Certificate of Occupancy Issuance
5. Post-Occupancy Requirements
6. Enforcement
7. Sectional Reference Guide

This page is a cover sheet intended for publication in the District of Columbia Register. A full copy of this administrative bulletin is available at: <http://dcra.dc.gov/page/administrative-bulletins>

E.L. HAYNES PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

E.L. Haynes Public Charter School is seeking proposals to provide school-based special education related services from qualified Occupational Therapists, Speech Language Pathologists, Physical Therapists, Behavior Analysts, Educational Audiologists, School Psychologists, Academic Tutors, and/or Assistive Technology Professionals.

To obtain an electronic copy of the full Request for Proposal (RFP), send an email to jholt@elhaynes.org specifying the RFP service request type(s) in the subject heading.

The deadline for submission is May 30, 2014 at 5pm.

Please e-mail proposals and supporting documents to jholt@elhaynes.org.

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
EDUCATION LICENSURE COMMISSION**

THIRD NOTICE OF REVISED MEETING SCHEDULE

Pursuant to the Education Licensure Commission Act of 1976, effective April 6, 1977 (D.C. Law 1-104; 23 D.C. Reg. 8734; D.C. Official Code § 38-1301 *et seq.*), and the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1203; D.C. Official Code § 2-501 *et seq.*), the Education Licensure Commission (“Commission”) hereby gives notice of a third revision to the annual schedule of meetings for the 2014 Calendar Year, which was published in the *D.C. Register* on December 13, 2013. Revisions were published in the *D.C. Register* on February 14, 2014, and March 28, 2014.

The Commission holds regular bi-monthly public meetings, which are open to the public. Prior to the public sessions, an executive session is typically held that is closed to the public. During months when the Commission is not holding a public meeting, the Commission holds bi-monthly work meetings that are closed to the public.

The following dates, locations, and times shall supersede all prior published schedules as set forth below:

DATE	START TIME	END TIME	LOCATION	MEETING TYPE	REASON FOR CLOSURE (if applicable)
January 28, 2014	9:30 am	10:30 am	810 First Street, NE, 3 rd Floor, Grand Hall B	Executive (closed)	D.C. Official Code §§ 2-575(b)(1), (4); 5 DCMR § A8204.1(b)
January 28, 2014	10:30 am	1:00 pm	810 First Street, NE, 3 rd Floor, Grand Hall B	Public (open)	N/A
February 25, 2014	9:00 am	1:00 pm	810 First Street, NE, 2 nd Floor, Conference Room 2031	Work (closed)	D.C. Official Code §§ 2-575(b)(1), (4), (12); 5 DCMR § A8204.1(c)
March 6, 2014	9:00 am	1:00 pm	810 First Street, NE, 2 nd Floor, Conference Room 2031	Public (open)	N/A
April 3, 2014	9:00 am	10:30 am	810 First Street, NE, 3 rd Floor, Grand Hall A	Executive (closed)	D.C. Official Code §§ 2-575(b)(1), (4); 5 DCMR § A8204.1(b)
April 3, 2014	10:30 am	1:00 pm	810 First Street, NE, 3 rd Floor, Grand Hall A	Public (open)	N/A
May 1, 2014	9:30 am	10:30 am	The Charles Sumner School Museum and Archives, 1201 17 th Street, NW, Washington, DC 20036, The George	Executive (closed)	D.C. Official Code §§ 2-575(b)(1), (4); 5 DCMR § A8204.1(b)

			F.T. Cook Conference Room (Room 101)		
May 1, 2014	10:30 am	1:00 pm	The Charles Sumner School Museum and Archives, 1201 17 th Street, NW, Washington, DC 20036, The George F.T. Cook Conference Room (Room 101)	Public (open)	N/A
June 12, 2014	9:30 am	1:00 pm	810 First Street, NE, 3 rd Floor, Grand Hall B	Work (closed)	D.C. Official Code §§ 2-575(b)(1), (4), (12); 5 DCMR § A8204.1(c)
July 10, 2014	9:30 am	10:30 am	810 First Street, NE, 3 rd Floor, Grand Hall B	Executive (closed)	D.C. Official Code §§ 2-575(b)(1), (4); 5 DCMR § A8204.1(b)
July 10, 2014	10:30 am	1:00 pm	810 First Street, NE, 3 rd Floor, Grand Hall B	Public (open)	N/A
August 14, 2014	9:30 am	10:30 am	810 First Street, NE, 3 rd Floor, Grand Hall B	Executive (closed)	D.C. Official Code §§ 2-575(b)(1), (4); 5 DCMR § A8204.1(b)
August 14, 2014	10:30 am	1:00 pm	810 First Street, NE, 3 rd Floor, Grand Hall B	Public (open)	N/A
September 23, 2014	TBD	TBD	TBD	Work (closed)	D.C. Official Code §§ 2-575(b)(1), (4), (12); 5 DCMR § A8204.1(c)
October 2, 2014	9:30 am	1:00 pm	810 First Street, NE, 3 rd Floor, Grand Hall A	Work (closed)	D.C. Official Code §§ 2-575(b)(1), (4), (12); 5 DCMR § A8204.1(c)
November 6, 2014	9:30 am	10:30 am	810 First Street, NE, 3 rd Floor, Grand Hall A	Executive (closed)	D.C. Official Code §§ 2-575(b)(1), (4); 5 DCMR § A8204.1(b)
November 6, 2014	10:30 am	1:00 pm	810 First Street, NE, 3 rd Floor, Grand Hall A	Public (open)	N/A
December 4, 2014	9:30 am	1:00 pm	810 First Street, NE, 3 rd Floor, Grand Hall B	Work (closed)	D.C. Official Code §§ 2-575(b)(1), (4), (12); 5 DCMR § A8204.1(c)

The Commission will publish notice of the time and location of the September 23, 2014 work meeting as soon as practicable. In addition to the public, executive, and work meetings, the Commission holds monthly New Applicant Workshops for representatives of institutions seeking new licensure. The following dates, locations, and times shall supersede all prior published schedules as set forth below:

DATE	START TIME	END TIME	LOCATION
January 16, 2014	10:00 am	12:00 pm	810 First Street, NE, 9 th Floor, Conference Room 9014
February 20, 2014	10:00 am	12:00 pm	810 First Street, NE, 9 th Floor, Conference Room 9014
March 20, 2014	10:00 am	12:00 pm	810 First Street, NE, 9 th Floor, Conference Room 9014
NO NEW APPLICANT WORKSHOP WILL BE HELD IN APRIL 2014	N/A	N/A	N/A
May 15, 2014	10:00 am	12:00 pm	810 First Street, NE, 9 th Floor, Conference Room 9014
June 19, 2014	10:00 am	12:00 pm	810 First Street, NE, 9 th Floor, Conference Room 9014
July 17, 2014	10:00 am	12:00 pm	810 First Street, NE, 9 th Floor, Conference Room 9014
August 21, 2014	10:00 am	12:00 pm	810 First Street, NE, 9 th Floor, Conference Room 9014
NO NEW APPLICANT WORKSHOP WILL BE HELD IN SEPTEMBER 2014	N/A	N/A	N/A
October 23, 2014	10:00 am	12:00 pm	810 First Street, NE, 9 th Floor, Conference Room 9014
November 20, 2014	10:00 am	12:00 pm	810 First Street, NE, 9 th Floor, Conference Room 9014
December 18, 2014	10:00 am	12:00 pm	810 First Street, NE, 9 th Floor, Conference Room 9014

If you have questions regarding this schedule of Commission meetings and/or New Applicant Workshops, please contact the Executive Director of the Education Licensure Commission, Angela Lee at (202) 724-2095 or at Angela.Lee@dc.gov.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

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 (#5881-R1) to Collision Auto Clinic to operate an auto body paint spray booth at 2206 Lawrence Avenue NE. The contact person for the facility is Benjamin A. Romero, at (301) 602-0241.

Emissions:

The maximum estimated potential emissions of volatile organic compound (VOC) from the auto body paint spray booth equipment, operating fifty two weeks (52) per year, is expected to be as follows:

	Maximum Annual Emissions
Pollutant	(tons/yr)
Volatile Organic Compounds (VOC)	5.85

The proposed emission limits are as follows:

- a. No chemical strippers containing methylene chloride (MeCl) shall be used for paint stripping at the facility. [20 DCMR 201.1]
- b. Paints and refinishing coatings that contain volatile organic compounds (VOCs) in excess of the limits specified in Table I below, including any VOC containing materials added to the original coating supplied by the manufacturer, shall be prohibited. [20 DCMR 718.3]

Table I: Allowable Content of VOCs in Mobile Equipment Repair and Refinishing Coatings (*as applied*)

Coating Type	Weight	Limit*
	(Pounds per gallon)	(Grams per liter)
Automotive pretreatment primer	6.5	780
Automotive primer-surfacer	4.8	575
Automotive primer-sealer	4.6	550
Automotive topcoat:		
single stage-topcoat	5.0	600
2 stage basecoat/clearcoat	5.0	600
3 or 4-stage basecoat/clearcoat	5.2	625
Automotive multi-colored topcoat	5.7	680
Automotive specialty coating	7.0	840

*Weight of VOC per volume of coating (minus water and non-VOC solvents)

- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]
- d. Visible emissions shall not be emitted into the outdoor atmosphere from the paint spray booth. [20 DCMR 201.1, 606.1 and 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 June 9, 2014 will be accepted.

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

FRIENDSHIP PUBLIC CHARTER SCHOOL**EXTENSION OF REQUEST FOR PROPOSALS CUSTODIAL AND**

FACILITIES MANAGEMENT SERVICES: Friendship Public Charter School (FPCS) is extending the period for responding to its RFP originally due February 21, 2014, for custodial and facilities management services. Sealed qualification statements - one (1) unbound original, three (3) bound legible copies and one (1) electronic copy - in an envelope clearly marked "RFP-FRIENDSHIP CUSTODIAL AND FACILITIES MANAGEMENT SERVICES", and addressed to: Procurement Department

Friendship Public Charter School
120 Q Street, NE – Suite 200
Washington, DC 20002

By no later than: **2:00 PM on Friday, May 30, 2014.**

The RFP, including information on site walk throughs, as well as additional information packet are posted at <https://sites.google.com/site/fpcsrfpext/>

REQUEST FOR PROPOSAL FOR PLUMBING SERVICES: Friendship Public Charter School is seeking bids from prospective vendors to provide Plumbing Services in accordance with the requirements and specifications detailed in each request for Proposal (RFP). An electronic copy of the full Request for Proposal (RFP) may be requested by contacting ProcurementInquiry@friendshipschools.org no later than: **2:00 PM on Friday, May 16, 2014.**

DEPARTMENT OF HEALTH
HEALTH PROFESSIONAL LICENSING ADMINISTRATION

NOTICE OF MEETING

Board of Chiropractic
May 13, 2014

On May 13, 2014 at 1:00 pm, the Board of Chiropractic will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of chiropractic.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed from 1:00 pm until 2:30 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 meeting will be open to the public from 2:30 pm to 3:30 pm to discuss various agenda items and any comments and/or concerns from the public. After which the Board will reconvene in closed session to continue its deliberations until 4:30 pm.

The meeting location is 899 North Capitol Street NE, 2nd Floor, Washington, DC 20002.

Meeting times and/or locations are subject to change – please visit the Board of Chiropractic website www.doh.dc.gov/boc and select BOC Calendars and Agendas to view the agenda and any changes that may have occurred.

Executive Director for the Board – Jacqueline A. Watson, DO, MBA, (202) 724-8755.

**DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY
BOARD OF DIRECTORS MEETING**

May 13, 2014
815 Florida Avenue, NW
Washington, DC 20001
5:00 pm

AGENDA

- I. Call to order and verification of quorum.
- II. Approval of minutes from the April 22, 2014 board meeting.
- III. Vote to close meeting to discuss the approval of The Grove at Parkside project and bond transaction.

Pursuant to the District of Columbia Administrative Procedure Act, the Chairperson of the Board of Directors will call a vote to close the meeting in order to discuss, establish, or instruct the public body's staff or negotiating agents concerning the position to be taken in negotiating the price and other material terms of The Grove at Parkside project and bond transaction. An open meeting would adversely affect the bargaining position or negotiation strategy of the public body. (D.C. Code §2-575(b)(2)).

- IV. Re-open meeting.
- V. Consideration of DCHFA Eligibility Resolution No. 2014-04 for the approval of The Grove at Parkside project and bond transaction.
- VI. Interim Executive Director's Report.
- VII. Other Business.
 - Parkway Overlook
- VIII. Adjournment.

INSPIRED TEACHING DEMONSTRATION PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Moving and Furniture Services

The Inspired Teaching Demonstration Public Charter School invites all interested parties to submit proposals to provide moving/move management services and furniture procurement services for the school's upcoming move in early August 2014. The school is moving from its current location on Florida Ave., NW to the Shaed building at 301 Douglas St., NE. The complete RFP can be obtained by contacting kate.keplinger@inspiredteachingschool.org. Vendors may submit for both or only one service. To schedule a walk-through of the current facility, please contact Kate Keplinger.

Proposals must be submitted as PDF or Microsoft Word documents and will be accepted until 5:00pm, May 23, 2014.

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

INSPIRED TEACHING DEMONSTRATION PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

Inspired Teaching Demonstration Public Charter School seeks bids for:

Before And After School Services

The Inspired Teaching Demonstration Public Charter School is seeking competitive bids for a vendor to provide Before and After School Services at their school at 301 Douglas Street NE for the 2014-2015 School Year.

The vendor will provide the services to students from preschool through 6th grade. Additional information regarding the Inspired Teaching School and specifications of service are outlined in the Request for Proposal (RFP) and may be obtained by contacting imani.taylor@inspiredteachingschool.org.

Moving and Furniture Services

The Inspired Teaching Demonstration Public Charter School invites all interested parties to submit proposals to provide moving/move management services and furniture procurement services for the school's upcoming move in early August 2014. The school is moving from its current location on Florida Ave., NW to the Shaed building at 301 Douglas St., NE. The complete RFP can be obtained by contacting kate.keplinger@inspiredteachingschool.org. Vendors may submit for both or only one service. To schedule a walk-through of the current facility, please contact Kate Keplinger.

Proposals must be submitted as PDF or Microsoft Word documents and will be accepted until 5:00pm, May 23, 2014.

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

POTOMAC LIGHTHOUSE PUBLIC CHARTER SCHOOL
REQUESTS FOR PROPOSALS

Potomac Lighthouse Public Charter School seeks bids for the following services for the 2014-2015 school year:

- **Information Technology (IT)**
- **Facilities Maintenance and Management**
- **Financial Management**
- **Human Resource**
- **Marketing and Communications**

Please email Priya@mosaica.org for more details about the requirements for each service.

BIDS ARE DUE BY FRIDAY, MAY 16, 2014.

Late proposals will not be accepted.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF INQUIRY

FORMAL CASE NO. RM5-2014-01-E, IN THE MATTER OF THE ANNUAL CONSOLIDATED REPORT OF THE POTOMAC ELECTRIC POWER COMPANY

1. As the Public Service Commission of the District of Columbia (“Commission”) continues into its second century of operation, it is our intention to examine certain of the reports the Commission requires from the companies subject to our regulation. We undertake this effort to assure that these reports continue to provide the Commission and stakeholders with information appropriate in the current regulatory environment, without being unduly burdensome to the parties who prepare and review that information.

2. In the first of these efforts, the Commission announced in Order No. 17455 that we will address the format and content of the Annual Consolidated Report (“ACR”) filed by the Potomac Electric Power Company (“Pepco”).¹ We will also examine the process that is used by the Commission Staff and by other parties to review and comment upon the ACR.

3. The goal of the Commission in requiring the ACR is to have a single, integrated document that contains key information about the year-to-year changes in Pepco’s operations and information about Pepco’s planned programs and operations, including any necessary construction during the next decade. This information provides a basis for the Commission’s review and consideration of Pepco’s planning and operational decisions. This review helps the Commission ensure that Pepco provides safe and reliable services on the electric distribution system funded by District ratepayers while taking into consideration public safety, the economy of the District, the conservation of natural resources and the preservation of environmental quality.

4. In its current form, Pepco’s ACR consists of three Commission-required elements. First, beginning in 1987 the Commission, by rule, required Pepco to file a Productivity Improvement Plan (“PIP”).² The PIP, to be filed on February 15th of each year, was intended to set forth annual, cost-effective productivity improvement goals for Pepco. Second, the Commission required Pepco to submit a comprehensive plan including an assessment of, and future plans for, its distribution facilities. The Commission required the filing of the

¹ Pepco’s ACRs can be inspected and downloaded through the Commission’s eDocket, located on the Commission’s website (<http://www.dcpsc.org/>); Previous ACRs may generally be found at Formal Case No. 766, up to and including its 2013 ACR. Beginning with the 2014 ACR, the Commission is docketing these reports under the prefix “PEPACR” followed by the applicable reporting year, and ending with a sequence number. Thus, Pepco’s 2014 ACR is docketed as PEPACR-2014-01.

² See 15 D.C.M.R. §§ 513.1 *et seq.* (June 26, 1987).

Comprehensive Plan to be made together with the PIP.³ Third, in 2005, the Commission required that Pepco file the Manhole Event Report as Part 3 of what had become the Annual Consolidated Report.⁴ It is the current content of this three-part report that we will be addressing in our inquiry.

5. The Comprehensive Plan and the PIP began as Pepco shed its generation and began to adjust to the new restructured retail electricity market in the District. They later served as vehicles to keep Pepco's attention focused on certain issues related to its reliability performance. In the interim, there have been a number of new policy initiatives in the District that impact Pepco's operations. These include the increase in the use of renewable energy resources and their integration into the electric distribution system; the introduction of distribution automation and AMI-enabled Smart Meters; a recent period of steady population growth in the District after a period of population decline; energy efficiency and sustainability programs that lead to a reduction in energy use; and the planned construction that will relocate underground a significant number of the least reliable of Pepco's overhead electric circuits ("feeders") in the District. At the same time, there has been a growing community of ratepayers who are becoming ever more sensitive to, and more vigilant about, rate increases.

6. By issuing this Notice of Inquiry ("NOI"), the Commission is asking interested persons what changes, if any, they recommend be made to the content of the Annual Consolidated Report. Specifically, the Commission is asking interested persons to provide comments on:

- a) What current content of the ACR should be retained in its current format, including specific charts, maps, and responses to past Commission directives;
- b) What current content should be retained, but modified and how should it be modified;
- c) What current content should not be retained and why (*e.g.* the content is duplicative of another filing; the content is no longer relevant to current issues; the directive has been satisfied, etc.);
- d) What new content should be added to the ACR, including any specific new charts or maps, and why;
- e) Whether the suggested new content is contained in any other report(s) filed with the Commission and if so, where;

³ *Formal Case No. 991, In the Matter of the Investigation into Explosions Occurring In or Around the Underground Distribution Systems of the Potomac Electric Power Company*, Order No. 12735, May 16 2003, ¶ 140.

⁴ *Formal Case No. 766, In the Matter of the Commission's Fuel Adjustment Clause Audit and Review Program*, Order No. 13812, November 9, 2005 at ¶ 8.

- f) What content should have a sunset provision, what should that sunset provision be, and why; and
- g) What revisions to the Commission's Rules are needed to accommodate the recommended changes.

7. The Commission's rules set out the process for the review of the Annual Consolidated Report once it is filed by Pepco. Currently, the public has forty-five days measured from the date of its filing to comment upon the ACR.⁵ After those comments are received, the Commission's Rules require that the Commission Staff review the ACR, provide a report summarizing and evaluating the ACR and the public comments of parties, and provide its recommendations with regard to these.⁶ The Staff Report is required to be filed by May 1st of each year. Finally, the Rules provide that the Commission shall review the ACR, along with the Staff Report and public comments, and make public its evaluation by June 1st.⁷ In recent years, there has been considerable slippage in achieving those dates. In addition, the length of Pepco's Annual Consolidated Reports, the length of the Staff Reports, the length of the Commission orders addressing the ACR, and the number of directives given to Pepco in orders following the review have grown.

8. By issuing this Notice of Inquiry ("NOI"), the Commission is also asking interested persons to tell us what changes, if any, they recommend be made to the process by which the Annual Consolidated Report is reviewed. The Commission has already identified one change that it is considering: the elimination of the two-tier review under which the Staff Report is prepared after a first round of comments have been made on the ACR. Specifically, the Commission is seeking comments on the following:

- a) What changes need to be made to the review process and why;
- b) What revisions to the Commission's Rules are needed to accommodate the suggested changes; and
- c) What schedule should be used to transition from the present format of the ACR to a new format, if changes are made to the ACR.

9. All persons interested in commenting (including providing suggested changes) on the current contents of, and review process for, Pepco's Annual Consolidated Reports⁸ are invited to submit written comments and reply comments no later than sixty (60) and eighty-one (81)

⁵ See 15 D.C.M.R. §513.8 (1987).

⁶ See 15 D.C.M.R. §513.9 (1987).

⁷ See 15 D.C.M.R. §513.10 (1987).

⁸ The current review process for Pepco's Annual Consolidated Reports is found in Section 513 of the Commission's Rules, *i.e.*, 15 D.C.M.R §§ 513, *et seq.*

days, respectively, after the publication of this Notice. Written comments should be filed with: Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., West Tower, Suite 200, Washington, D.C. 20005 or through the Commission's website at <http://www.dcpSC.org/edocket/>.

DISTRICT OF COLUMBIA RETIREMENT BOARD

INVESTMENT COMMITTEE

NOTICE OF CLOSED MEETING

May 20, 2014
10:00 a.m.

DCRB Board Room
900 7th Street, N.W.
Washington, D.C 20001

On May 20, 2014, at 10:00 a.m., the District of Columbia Retirement Board (DCRB) will hold a closed investment committee meeting regarding investment matters. In accordance with D.C. Code §2-575(b)(1), (2), and (11) and §1-909.05(e), the investment committee meeting will be closed to deliberate and make decisions on investments matters, the disclosure of which would jeopardize the ability of the DCRB to implement investment decisions or to achieve investment objectives.

The meeting will be held in the Board Room at 900 7th Street, N.W., Washington, D.C 20001.

For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or Deborah.Reaves@dc.gov.

DISTRICT OF COLUMBIA RETIREMENT BOARD**NOTICE OF OPEN PUBLIC MEETING**

May 15, 2014
1:00 p.m.

900 7th Street, N.W.
2nd Floor, DCRB Boardroom
Washington, D.C. 20001

The District of Columbia Retirement Board (DCRB) will hold an Open meeting on May 20, 2014, at 1:00 p.m. The meeting will be held at 900 7th Street, N.W., 2nd floor, DCRB Boardroom, 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 Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or Deborah.reaves@dc.gov.

AGENDA

- | | | |
|-------|-----------------------------------|-----------------|
| I. | Call to Order and Roll Call | Chairman Bress |
| II. | Approval of Board Meeting Minutes | Chairman Bress |
| III. | Chairman's Comments | Chairman Bress |
| IV. | Executive Director's Report | Mr. Stanchfield |
| V. | Investment Committee Report | Ms. Blum |
| VI. | Operations Committee Report | Mr. Ross |
| VII. | Benefits Committee Report | Mr. Smith |
| VIII. | Legislative Committee Report | Mr. Blanchard |
| IX. | Other Business | Chairman Bress |
| X. | Adjournment | |

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DC TAXICAB COMMISSION**

NOTICE OF GENERAL COMMISSION MEETING

The District of Columbia Taxicab Commission will hold its regularly scheduled General Commission Meeting on Wednesday, May 14, 2014 at 10:00 am. The meeting will be held in the Old Council Chambers at 441 4th Street, NW, Washington, DC 20001.

The final agenda will be posted no later than seven (7) days before the General Commission Meeting on the DCTC website at www.dctaxi.dc.gov.

Members of the public are invited to participate in the Public Comment Period. You may present a statement to the Commission on any issue of concern; the Commission generally does not answer questions. Statements are limited to five (5) minutes for registered speakers and two (2) minutes for non-registered speakers. To register, please call 202-645-6018 (ext. 4) no later than 3:30 pm on May 13, 2014. Registered speakers will be called first, in the order of registration. A fifteen (15) minute period will then be provided for **all** non-registered speakers. **Registered speakers must provide ten (10) printed copies of their typewritten statements to the Assistant Secretary to the Commission no later than the time they are called to the podium.**

DRAFT AGENDA

- I. Call to Order
- II. Commission Communication
- III. Commission Action Items
- IV. Government Communications and Presentations
- V. General Counsel's Report
- VI. Staff Reports
- VII. Public Comment Period
- VIII. Adjournment

WASHINGTON LATIN PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSAL****International Travel Lead**

Issued: May 9, 2014

ORGANIZATION & SERVICE DESCRIPTION

Washington Latin is soliciting proposals from qualified vendors to provide organizational services for international educational student travel for the 2014-2015 academic year. Successful proposals will include pre-trip organization, site evaluation, travel logistic coordination and on-call support.

Questions and proposals may be e-mailed directly to WLPCS (gizurieta@latinpcs.org) with the subject line as the type of service, International Travel Lead. Deadline for submission is 12 PM on Friday, May 16, 2014.

E-mail is the preferred method for response.

Washington Latin Public Charter School
Attn: Business Office
5200 2nd Street, NW
Washington, DC 20011

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Environmental Quality and Sewerage Services Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Sewerage Services Committee will be holding a meeting on Thursday, May 15, 2014 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com.

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

DRAFT AGENDA

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|--|--|
| 1. Call to Order | Committee Chairperson |
| 2. AWTP Status Updates
1. BPAWTP Performance | Assistant General Manager,
Plant Operations |
| 3. Status Updates | Chief Engineer |
| 4. Project Status Updates | Director, Engineering &
Technical Services |
| 5. Action Items
- Joint Use
- Non-Joint Use | Chief Engineer |
| 6. Emerging Items/Other Business | |
| 7. Adjournment | Committee Chairperson |

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

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Governance Committee will be holding a meeting on Wednesday, May 14, 2014 at 9:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C 20032. Below is the draft agenda for this meeting. A final agenda will be posted to the DC Water's website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or lmanley@dcwater.com.

DRAFT AGENDA

- | | |
|--|---|
| 1. Call to Order | Chairperson |
| 2. Government Affairs: Update <ul style="list-style-type: none">• Federal Issues and Legislation• District Issues and Legislation | William Pickering,
Government Relations
Manager |
| 3. Update on the Compliance Monitoring Program | Loretta Caldwell,
LS Caldwell & Assoc. |
| 4. Update Workforce Development Program | Karina Wiggins,
Chief of Staff |
| 5. Amendments to By-Laws to Provide for Rotating Vice Chairs | Randy Hayman,
General Counsel |
| 6. Emerging Issues | Chairperson |
| 7. Agenda for Upcoming Committee Meeting (TBD) | Chairperson |
| 8. Executive Session – To discuss legal, confidential and privileged matters pursuant to Section 2-575(b)(4) of the D.C. Official Code | |
| 9. Adjournment | Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Water Quality and Water Services Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Water Quality and Water Services Committee will be holding a meeting on Thursday, May 15, 2014 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

- | | |
|--|--|
| 1. Call to Order | Committee Chairperson |
| 2. Water Quality Monitoring | Assistant General Manager, Consumer Ser. |
| 3. Action Items | Assistant General Manager, Consumer Ser. |
| 4. Emerging Issues/Other Business | Assistant General Manager, Consumer Ser |
| 5. Adjournment | Committee Chairperson |

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

Application No. 18743 of Maggot Funk LLC, pursuant to 11 DCMR § 3103.2, for a variance from the use requirements under § 330.5, to allow the conversion of a nonconforming use to a café/restaurant (first floor and cellar) in the R-4 District at premises 621 P Street, N.W. (Square 445, Lot 158).

HEARING DATE: April 29, 2014

DECISION DATE: April 29, 2014

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board of Zoning Adjustment ("Board" or "BZA") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6E which is automatically a party to this application. ANC 6E submitted a written resolution, which indicated that at a properly noticed, regularly scheduled public meeting held on April 2, 2014, with a quorum of Commissioners present, the ANC voted unanimously (5:0:0) to support the application. (Exhibit 30.)

The Office of Planning ("OP") submitted a timely report on April 22, 2014, indicating that it supported approval of the use with conditions. (Exhibit 29.) No report was submitted by the District Department of Transportation ("DDOT"). Twenty-four letters of support for the application were submitted by neighbors. (Exhibit 28A.)

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2 for a variance from the strict requirements of the use requirements under § 330.5, to allow the conversion of a nonconforming use to a café/restaurant (first floor and cellar) in the R-4 District. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proving under 11 DCMR § 3103.2 that there exists an exceptional or extraordinary situation or condition related to the property that creates an undue hardship 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

BZA APPLICATION NO. 18743

PAGE NO. 2

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. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application be **GRANTED SUBJECT TO THE APPROVED PLANS AT EXHIBIT 31 AND WITH THE FOLLOWING CONDITIONS:**

1. Refuse shall be stored within the building and placed outside for removal on collection days only.
2. The Applicant shall not engage in any heavy cooking such as deep frying or the smoking of foods.

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

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

VOTE: **3-0-2** (Lloyd L. Jordan, Marnique Y. Heath, and Anthony J. Hood, to Approve; Jeffrey L. Hinkle and S. Kathryn Allen, not participating or voting.)

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

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

FINAL DATE OF ORDER: May 1, 2014

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

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

BZA APPLICATION NO. 18743

PAGE NO. 3

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
441 4TH STREET, N.W.
SUITE 200-SOUTH
WASHINGTON, D.C. 20001**

PUBLIC NOTICE OF CLOSED MEETING

In accordance with § 405(c) of the Open Meetings Act, D.C. Official Code § 2-575 (c), on April 29, 2014, the Board of Zoning Adjustment voted 3-0-2, to hold closed meetings telephonically on Monday, May 5, 12, and 19, 2014, beginning at 4:00 pm for the purpose of obtaining legal advice from counsel and/or to deliberate upon, but not voting on the cases scheduled to be publicly heard or decided by the Board on the day after each such closed meeting, as those cases are identified on the Board’s agendas for May 6, 13, and 20, 2014; and in accordance with § 407 of the District of Columbia Administrative Procedure Act, the Board will hold a closed meeting on Tuesday, May 13, 2014, at 1:00 p.m. for the purpose of conducting internal training, pursuant to § 405(b)(12) of the Open Meetings Amendment Act of 2010, following which will be a closed meeting for the purpose of obtaining legal advice from counsel and to deliberate upon, but not voting on Appeal Number 17109, as permitted by Sections 405(b)(4) and (b)(13) of the Act.

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

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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 07-13D
Z.C. Case No. 07-13D
TR SW 2, LLC
(Modification of an Approved Planned Unit Development
@ Square 643-S, Lot 801)
March 10, 2014**

Pursuant to notice, the Zoning Commission for the District of Columbia ("Commission") held a public hearing on December 2, 2013, to consider an application to modify an approved planned unit development ("PUD") filed by TR SW 2 LLC ("Applicant"). The Commission considered the application pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the application.

FINDINGS OF FACT

The Applications, Parties, and Hearings

1. On May 31, 2013, the Applicant filed an application with the Commission for approval of modifications to a PUD approved pursuant to Z.C. Case No. 07-13. The original order, dated January 14, 2008, and effective March 21, 2008, approved the redevelopment of the former Randall Junior High School as a new campus for the Corcoran College of Art and Design and a new residential building. The PUD site was rezoned from the R-4 to the C-3-C Zone District in conjunction with the PUD.
2. The approved PUD is located at 65 I Street, S.W. (Square 643-S, Lot 801) ("Subject Property"), and has a land area of approximately 115,724 square feet and is bounded by I Street on the south, former First Street on the west, partially closed H Street on the north, and former Half Street on the east, in southwest Washington, D.C. The Subject Property is presently improved with the former Randall Junior High School, an historic landmark listed in the D.C. Inventory of Historic Places. TR SW 2, LLC is the contract purchaser of the Subject Property, which is owned by the Trustees of the Corcoran Gallery of Art.
3. Z.C. Order No. 07-13 authorized the construction of a mixed-use building with approximately 76,043 square feet devoted to exhibition, studio, and classroom space for the Corcoran College of Art and Design, and another 423,800 square feet of residential space with approximately 440 to 490 residential units. Twenty percent of the gross floor area devoted to residential use was set aside for households earning no more than 80% of the area mean income ("AMI"). The project also included on-site, below grade parking for 390 to 470 vehicles. The overall density approved for the project is 4.32 floor area ratio ("FAR"), with an overall height of 100 feet for the residential portion of the building. The approved PUD incorporated into its design the historically significant elements of the Randall School complex fronting on I Street. The existing Randall

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 2

School and the new residential construction are considered a single building for zoning purposes.

4. Pursuant to Z.C. Order No. 07-13A, dated June 9, 2008, and effective September 26, 2008, the Commission approved a minor modification to the PUD to allow construction of the project in phases. The modification order did not alter the expiration date of the original PUD order.
5. Pursuant to Z.C. Order No. 07-13B, dated February 10, 2010, and effective March 17, 2010, the Commission granted a two-year extension such that a building permit application for the approved PUD would need to be filed no later than March 21, 2012, and construction would need to commence no later than March 21, 2013.
6. Pursuant to Z.C. Order No. 07-13C, dated May 14, 2012, and effective March 19, 2010, the Commission granted another two-year extension such that a building permit application for the approved PUD would need to be filed no later than March 21, 2014, and construction would need to commence no later than March 21, 2015.
7. Pursuant to Z.C. Order No. 07-13E, dated March 10, 2014, and effective May 9, 2014, the Commission granted another extension for the limited purposes of maintaining the original PUD in effect until this Order became effective. This Order establishes a new expiration date for the modified PUD approved herein.
8. The Applicant now seeks approval to: (i) fully redesign the envelope of the residential portion of the building; (ii) change the project's art component by replacing the Corcoran College of Art and Design with a new museum of contemporary art; (iii) reallocate the approved density of 4.32 FAR such that approximately 443,843 square feet of gross floor area will be devoted to residential uses and 56,010 square feet of gross floor area devoted to non-residential uses; (iv) increase the height of the residential portion of the building from 100 feet to 110 feet; (v) provide approximately 290-370 vehicle parking spaces located on two levels of on-site parking; and (vi) modify the loading facilities and move them underground.
9. By report dated July 19, 2013, the Office of Planning ("OP") recommended that the application be set down for a hearing. At its public meeting held on July 29, 2013, the Commission voted to schedule a public hearing on the application.
10. On July 31, 2013, the Applicant submitted a prehearing statement, and a hearing date was scheduled for the matter for December 2, 2013. The Prehearing Statement included additional information regarding the architectural design of the building, additional legislation or executive action required for the project, and a description of the previously approved project. A description of the proposed modification and the notice of the public

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 3

hearing in this matter were published in the *D.C. Register* on August 30, 2013. The notice of the public hearing was mailed or emailed to all property owners within 200 feet of the PUD site as well as to ANC 6D on August 22, 2013.

11. On November 12, 2013, the Applicant submitted a supplemental statement in support of its application to clarify and expand on the information submitted with the Applicant's prehearing statement and in response to comments from the Commission and OP. These supplemental materials described the modified architectural design of the building, an alternative scheme for the art museum's ground floor plan, a finalized transportation analysis, responses to other issues raised by the Commission at the set-down meeting and by OP, and the applicable information required pursuant to § 3013 of the Zoning Regulations.
12. The parties to the case were the Applicant and Advisory Neighborhood Commission ("ANC") 6D in support of the application. No requests for party status were filed for this case.
13. The Commission convened a hearing on December 2, 2013, which was concluded that same evening. At the hearing, the Applicant presented four witnesses in support of its application: Marilyn Melkonian on behalf of TR SW 2, LLC; Hany Hassan, Beyer Blinder Belle, project architects; Daniel Van Pelt, Gorove/Slade, project traffic consultants; and Lisa Delplace, Oehme, van Sweden, project landscape architects. Based upon their respective professional experience and qualifications, Mr. Hassan was recognized as an expert in architecture; Mr. Van Pelt was recognized as an expert in traffic engineering; and Ms. Delplace was recognized as an expert in landscape architecture.
14. Matthew Jesick, Development Review Specialist at OP, and Fleming El-Amin and Jamie Henson of the District's Department of Transportation ("DDOT") testified in support of the application with certain comments and conditions.
15. On November 25, 2013, ANC 6D submitted a resolution to the record to conditionally support the application. In its letter, the ANC requested more time to reach agreement on several issues with the Applicant before submitting unqualified support for the project.
16. Andrew Litsky, Chairman of ANC 6D testified in support of the application.
17. Fitzgerald Carter testified neither in support nor in opposition to the application, but expressed interest in talking with the Applicant about its plans with moving forward with the project.

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 4

18. The District of Columbia Historic Preservation Review Board ("HPRB") granted concept approval for the modified project on November 21, 2013. (Exhibit ["Ex. "] 24.)
19. The Applicant submitted post-hearing submissions to the record on January 10, 2014, in response to the Commission's comments. The submissions included revisions to the roof structure heights, roof structure materials, revised landscaping at the gap between the two building masses on H Street, updated landscaping plans for the alternative courtyard scheme with commercial uses, and the inclusion of a bike-commuter shower facility in the basement. (Ex. 29.)
20. On January 17, 2014, ANC 6D submitted a letter responding to the Applicant's January 10, 2014 post-hearing submissions, and providing an update on the continuing negotiations between ANC 6D and the Applicant. (Ex. 31.)
21. On January 24, 2014, the Applicant and ANC 6D submitted a joint statement regarding the continuing negotiations between ANC 6D and the Applicant. The letter stated that the Applicant and ANC had agreed to terms and requested that the Commission leave the record open to accept the final agreement. (Ex. 33.)
22. The Commission took proposed action to approve the modification application at its regular meeting on January 27, 2014. The Commission left the record open to receive the final agreement between the Applicant and ANC 6D, and modified its rules to permit the Applicant to submit its list of final proffers and draft conditions on February 10, 2014, to allow the Applicant and ANC 6D time to reach final agreement. The Commission also left the record open for the Applicant to provide information regarding its ability to complete the project, the equity partner for the project, and the developer for the non-residential portion of the project.
23. The proposed action of the Commission was referred to the National Capital Planning Commission ("NCPC") on January 28, 2014, under the terms of the District of Columbia Home Rule Act. NCPC, by delegated action by the Executive Director dated January 30, 2014 found that the proposed modifications to the project will not be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital. (Ex. 35.)
24. On February 10, 2014, the Applicant submitted its list of proffers and draft conditions. (Ex. 36.)
25. On February 17, 2014, ANC 6D submitted an update on its negotiations with the Applicant. (Ex. 37.)
26. On February 24, 2014, the Applicant submitted its final list of proffers and draft conditions. The Applicant also submitted information regarding the Applicant's ability to

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 5

complete the project, the equity partner for the project, and the developer of the non-residential component of the project. The Applicant also provided further information and revised plans for the alternative penthouse scheme the Applicant originally submitted on January 10, 2014. (Ex. 38.)

27. The Commission took final action to approve the modification application on March 10, 2014. The Commission indicated that it preferred the alternative penthouse scheme and directed the Office of Zoning to release this Order only after the Applicant submitted the signed agreement between the Applicant and ANC 6D.

Modified Project

28. The Applicant proposes to modify the approved PUD with substantially revised architecture, different arts uses, a reduction in parking, relocation of the loading below grade, an increase in the height of the residential portion of the building, and an increase in the number of residential units provided. The basic formulation of the project – a residential addition to the historic Randall School, used primarily for arts and arts-related uses – is the same. The modified PUD will continue to meet the goals and objectives of the PUD process and the Comprehensive Plan, and will continue to provide exceptional public benefits and project amenities.
29. The modified project will substitute a new museum of contemporary art for the art college previously approved for the site. The proposed museum will draw from the Rubell Family Collection ("RFC"), which was established in 1964 in New York City, and is now one of the world's largest privately owned contemporary art collections. RFC includes internationally established artists, actively acquires exhibits, and champions emerging artists working at the forefront of contemporary art. The project will include approximately 32,707 square feet of gross floor area for museum uses, as shown on the revised Architectural Plans ("Plans"). (Ex. 19A.)
30. The Applicant also proposes, as an alternative scheme, to convert approximately 12 residential units at the north side of the interior courtyard elevation at ground level to ancillary arts-related uses. (Ex.19A2, p. A07.) The area consists of approximately 8,000 square feet of gross floor area, which can be converted back to residential uses if the arts-related retail and service uses are not successful. The landscaping will be reconfigured in this alternate scheme to encourage pedestrians to visit these spaces.
31. In order to accommodate the arts-related uses, the rear portions of the Randall School will be demolished, but the more historic portions along I Street, including the central 1906 structure and the 1927 wings, will be preserved. The central piece of the school, as well as a new addition built to its rear, will house the art museum and ancillary spaces, such as a library, auditorium, offices, and storage space. Primary access to the museum

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 6

- will be from I Street at the lower level. The steps leading to the front doors of the school will be replaced with steps and ramps down to a new primary entrance at the lower level. The entrance configuration has been significantly revised to provide a less obtrusive ramp system down to the entrance. The Applicant is proposing retail/service and/or educational uses for the east and west wings of the historic school, including a restaurant, which can be accessed either from inside the museum or from a new entrance on Half Street. The restaurant will have outdoor seating in private and public space.
32. The new residential structure, constructed to the north of the preserved school, will contain approximately 520 residential units, constructed in two phases. Twenty percent of the gross floor area devoted to residential space will be reserved for households earning no more than 80% of the AMI, or approximately 88,766 square feet of gross floor area, distributed throughout the building. Pursuant to § 2602.3(f) of the Zoning Regulations, the PUD is otherwise exempt from the inclusionary zoning requirements of Chapter 26. The height of the residential portion of the building will be 110 feet and 12 stories tall.
33. Based on comments from the Commission and the Historic Preservation Review Board ("HPRB"), the Applicant revised the design of the new building from its initial submission. These modifications included: (i) expanding the courtyard by pushing the C-shaped apartment block away from the historic school building and pulling the museum addition closer to the school; (ii) cladding the bridges that join the various blocks of the residential portion of the building with glass panels; (iii) adding Juliette balconies to the upper floors of the outward-facing facades and at random locations on the facades adjacent to the courtyard; and (iv) randomizing the patterning of the façade with more glass, most notably at the building's curved corners.
34. The Applicant further developed the major interventions of the historic school building. At the auditorium wing on the east, the proportions of the glass pavilion relative to the main block were adjusted. At the west classroom wing, the large windows on the rear infill façade were changed to reduce their visual impact, reflect the uses of the space behind the windows, and to mimic more accurately the rhythm of the historic window pattern. The Applicant also modified the school building's main entrance by gently sloping the shallow front planting areas down toward the entry, thus eliminating the need to retain walls along the pair of access ramps. A glass and metal-framed canopy was added above the new doors to help define the new lower-level entry and establish a datum line recalling the historic condition. The Applicant replaced the short retaining wall that runs the width of the property along the I Street public sidewalk with a more historically appropriate rolled curb and earth berm detail. Minor modifications were also made to the terraces fronting the historic structures.

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 7

35. The southern ends of the ground floor of the residential portion of the building will contain entrances, lobbies, mailrooms, and amenity spaces. Along First and H Streets, residential units will open onto the street, creating an active streetscape and increasing visual interest at the base of the building. Substantial landscaping is proposed for the front of these units, while the other ground-floor units will front on the interior courtyard. The Applicant proposes an alternative ground-floor scheme, which replaces the units facing the courtyard with small commercial spaces that will complement the museum and arts-related uses.
36. Approximately 13,115 square feet, or 32%, of the total roof area of the residential portion of the building will be green, and significant other portions of the roof will be reflective. The Applicant proposes to include two LEED scorecards, one for the historic school building and one for the new construction. An equivalent of LEED Silver will be achieved, but the Applicant is not required to obtain the certification from the United States Green Building Council.
37. A minimum of 290 vehicle parking spaces and 550 bicycle parking spaces will be provided in two levels of underground parking. The primary loading facilities are located on the P1 level, where trucks are able to turn around, resulting in a pull-in/pull-out condition for vehicles on H Street. The loading berths will be shared between residential and non-residential uses. Secondary loading will also occur from First Street, with space for larger trucks to back into a loading dock on the west side of the museum. The Applicant proposed to provide 210 parking spaces in Phase 1 of the development, and a range of 80-160 spaces in Phase 2.
38. As with the approved PUD, the modified project will contain approximately 499,843 square feet of gross floor area, which equates to a density of 4.32 FAR. The residential portion of the building will be constructed to a maximum height of 110 feet. The museum and related uses will comprise approximately 32,707 square feet of gross floor area, or 0.34 FAR. Approximately 23,303 square feet of gross floor area will be devoted to retail/service and/or educational uses, or 0.14 FAR of the total project. The remaining 443,833 square feet of gross floor area, or approximately 3.84 FAR, will be devoted to residential uses.

Development Flexibility

39. Pursuant to Z.C. Order No. 07-13, the Commission approved relief from the area requirements for loading facilities; the penthouse setback, number, and height requirements; and the existence of several non-compliant courts. The proposed modification requires flexibility from the specific zoning regulations listed below.

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 8

40. *Flexibility from the Loading Requirements (§ 2200).* Pursuant to § 2201.1 of the Zoning Regulations, the approved PUD is required to provide one berth at 55 feet (residential), one berth at 30 feet (retail/service), and one berth at 30 feet (museum); one platform at 200 square feet (residential), one platform at 100 square feet (retail/service), and one platform at 100 square feet (museum); and one service space at 20 feet for each of the residential, retail/service, and museum uses. However, due to the anticipated needs of the residents and visitors to the Subject Property, the modified PUD will provide one berth at 55 feet, two berths at 40 feet, and one berth at 30 feet; one below-grade platform at 1,000 square feet and one platform at 800 square feet; and none of the required service spaces. The proposed loading configuration will adequately serve the building's needs while minimizing impacts to the surrounding streets. The primary loading dock area on the P1 level will be accessed from H Street and will allow for front-in, front-out movements. The secondary loading area will be accessed from First Street and will accommodate 55-foot tractor trailers for occasional drop-offs and pick-ups of large art installations at the museum. Residential elevators will also be accessible from the loading dock in the underground parking levels. The deviation from the loading requirements will provide adequate loading facilities and access for the anticipated residential, museum, and arts-related uses and will not have a material impact on the purpose and intent of the Zoning Regulations.
41. *Flexibility from the Court Width Requirements (§ 776).* Although the Zoning Regulations do not require that buildings include a court, § 776.3 of the Zoning Regulations requires that if a court is provided, it must have a minimum width of four inches per foot of height, measured from the lowest level of the court to that elevation, but not less than 15 feet (§ 776.3), and in the case of a closed court, a minimum area of at least twice the square of the width of court based upon the height of court, but not less than 350 square feet (§ 776.4). The modified PUD includes three open courts along the perimeter of the residential portion of the building at the north and east elevations, each with a width of 17 feet where 18.33 feet is required. The modified PUD also includes one closed court along the east elevation of the residential portion of the building with an area of 425 square feet where 672 square feet is required. The deviation from the court width requirements will allow more open space along the perimeter of the Subject Property without the need to diminish the size or number of residential units. The relief will also allow the project to maintain the architectural integrity of the design approved in concept by HPRB.
42. *Flexibility from the Roof Structure Requirements (§ 777).* Subsection 777.1 of the Zoning Regulations provides that the provision of § 411 shall also regulate roof structures in the Commercial Districts. Section 411 requires that all penthouses and mechanical equipment shall be placed in one (1) enclosure (§ 411.3), and that enclosing walls from the roof level shall be of equal height (§ 411.5). Subsection § 770.6 (b) requires that housing for mechanical equipment or a stairway or elevator penthouse shall be set back from all

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 9

exterior walls a distance at least equal to its height above the roof upon which it is located. However, the modified PUD will provide multiple roof structures with walls of unequal heights that are not set back from all exterior walls at a distance equal to their height above the roof. Specifically, the modified project includes two roof structures at the north end of the residential building, each enclosing elevator override equipment. These roof structures have enclosing walls with unequal heights of 18 feet, six inches and 16 feet, six inches, and do not meet the setback requirements from the east or west elevations. The flexibility requested is based on the segmented and phased nature of the building's design, the size of the site, the layout of residential units within the building, and the existence of multiple building cores, elevators, and stairs. Each roof structure is a necessary feature and is separated from the others due to the building code requirement to provide separate means of egress, as well as to break up massing on the roof. The north roof structures have walls of unequal heights to help reduce their visibility from the street, and maintain the greatest setbacks possible, given the size of the roof and the internal configuration of the building. The multiple roof structures as proposed will not adversely affect the light and air of adjacent buildings and will not materially impair the intent and purpose of the Zoning Regulations.

43. *Additional Area of Flexibility:* The modified PUD will have flexibility to vary the number, location, and arrangement of parking spaces, provided that the total number is not reduced below the number shown on the attached plans, and so long as the configuration of the spaces, drive aisles, and other components comply with the dimensional requirements of the Zoning Regulations.

Public Benefits and Amenities

44. The benefits and amenities listed below will be created as a result of the modification.
45. *Housing.* The PUD will result in a significant addition to the District's housing stock and to Southwest Washington in particular, which has had only one new multi-family project completed in the past three decades. The modified development will contain approximately 520 units.
46. *Affordable Housing.* The project is exempt from the Inclusionary Zoning requirements pursuant to 11 DCMR § 2602.3(f). Pursuant to the Declaration of Covenants recorded on the property November 26, 2006, as Document No. 2006160472, the project will set aside 20% of the gross floor area devoted to residential space for households earning no more than 80% of the AMI, or approximately 88,766 square feet of gross floor area. The affordable housing component provides significantly more affordable housing units than what is required under the Inclusionary Zoning provisions under Chapter 26 of the Zoning Regulations.

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 10

47. *Historic Preservation.* The PUD allows for the renovation and adaptive reuse of the historic portions of the Randall Junior High School. These structures have fallen into a state of disrepair in recent years and are in danger of losing their historic character. The proposed project contemplates the rehabilitation of these historically significant buildings and their careful integration into the planned development on the site. The renovation of these buildings will significantly improve the appearance of the streetscape and enhance the attractiveness of the surrounding neighborhood. The project also preserves the historic rights-of-way at First and H Streets, which are now closed.
48. *Sustainable Design Features.* The project features significant sustainable design features, including a green roof. Approximately 13,115 square feet, or 32%, of the total roof area of the residential portion of the building will be green, and significant other portions of the roof will be reflective. The Applicant will submit two LEED scorecards, one for the historic school building and one for the new construction. An equivalent of LEED Silver will be achieved on both scorecards.
49. *First Source Employment Opportunities.* Prior to the issuance of a building permit, the Applicant will execute a First Source Employment Agreement in order to achieve the goal of utilizing District residents for at least 51% of the jobs created by the PUD project. The Applicant will use DOES as its first source for recruitment, referral, and placement of new hires for employees whose jobs are created by the PUD, and will give residents from ANC 6D special consideration for employment to the extent permitted by law.
50. *CBE Agreement.* Prior to the issuance of a building permit, the Applicant will execute a Certified Business Enterprise Agreement (“CBE Agreement”) with the Department of Small and Local Business Development and submit a copy to the Office of Zoning. The CBE Agreement will commit the Applicant to achieve, at minimum, the goal of 35% percent participation by local, small, or disadvantaged businesses in the contracted development costs in connection with the design, development, and construction for the project created as a result of the PUD.
51. *Features of Special Value to the Neighborhood.* In addition to the exemplary project amenities and public benefits, the Applicant entered into an agreement with ANC 6D regarding the PUD modification to ensure that many of the benefits of the PUD, which the ANC supports, target ANC residents specifically. That agreement, submitted to the record as Exhibit 3E, as supplemented by Exhibit 40, provides the following benefits, which the Applicant has committed to maintain for a period of 10 years, unless otherwise noted:
 - (a) *Museum Admission Policy:* The Applicant will provide free admission to the art museum to ANC 6D residents as long as the museum is open to the public. In its discretion, the Applicant may implement this free-admission policy by issuing

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 11

membership cards to ANC 6D residents or by accepting another form of residential identification;

- (b) *Meeting Space:* The Applicant will provide meeting space in the auditorium on the lower (main) level of the museum, or other suitable meeting space on the lower (main) level, at no charge for one neighborhood town meeting per calendar month and for one small-room meeting per calendar month;
- (c) *Art Exhibits:* The Applicant will organize an annual exhibit of artwork by residents of ANC 6D, including at least one public-school student. The art will be displayed in the local artists' gallery on the lower level of the museum, as shown on Sheet A05 of the architectural drawings;
- (d) *Art Projects:* The Applicant will designate an annual ANC 6D neighborhood visual arts project and provide the resources needed to make that project a reality. The Applicant will designate a community outreach coordinator to work with ANC 6D to create and annual visual arts project, and to supply, directly or through third parties, the art materials, display location, and funding for the project;
- (e) *Art Festival:* The Applicant will designate a community outreach coordinator to work with ANC 6D and the Washington Project for the Arts to organize, sponsor, and provide resources for an annual public, free-admission outdoor Arts Festival in ANC 6D;
- (f) *ANC 6D Volunteers:* The Applicant will establish a program of recruiting Museum volunteers from ANC 6D, who will receive free admission to at least one paid event at the Museum;
- (g) *Randall Neighbor Day at the Corcoran:* The Applicant guarantees that, one day each year, ANC 6D residents will have free admission to the Corcoran Gallery of Art;
- (h) *Educator Memberships in the Corcoran Gallery of Art and Special Interest Society:* The Applicant guarantees five annual free, year-long, Individual Memberships in both the Corcoran Gallery of Art and a Special Interest Society for DC public-school teachers, one of which must go to a teacher in an ANC 6D public school;
- (i) *Camp Creativity:* The Applicant guarantees that ANC 6D residents will receive at least five annual full scholarships to participate in the program Camp Creativity run by the Corcoran Gallery of Art or by the Corcoran College of Art + Design.

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 12

If the Corcoran discontinues Camp Creativity, this provision will not apply thereafter;

- (j) *Southwest Historic District Study*: Prior to the issuance of a certificate of occupancy, the Applicant shall contribute \$20,000 to Southwest Neighborhood Assembly to support the study and development of a Southwest Washington historic district;
 - (k) *Arts Program at Randall Recreation Center*: Prior to the issuance of a certificate of occupancy, the Applicant shall contribute to the Community Benefits Coordinating Council ("CBCC") \$1,000 per month, for a period of five years, to help fund arts training and education at the Randall Recreation Center. CBCC will create a plan for arts programming in consultation with Washington Project of the Arts and others, including the Applicant. The Applicant may accelerate payments in order to obtain a certificate of occupancy;
 - (l) *Construction Management Plan*: Prior to the issuance of a building permit, the Applicant shall submit a construction management plan to the ANC; and
 - (m) *RPP Restrictions*: Prior to the issuance of a certificate of occupancy for the residential portion of the PUD, the Applicant shall provide evidence that restrictions will be included in the residential leases or condominium documents prohibiting a RPP from the Department of Motor Vehicles. The Applicant shall also provide evidence that it has requested that the building be removed or excluded from the RPP program.
52. The Commission finds that the PUD, as modified, is acceptable in all proffered categories of public benefits and project amenities and is superior in public benefits and project amenities related to urban design, landscaping and open space, housing and affordable housing, transportation measures, and uses of special value to the neighborhood.

Compliance with PUD Evaluation Standards

53. In evaluating a PUD modification application, the Commission must "judge, balance, and reconcile the relative value of project amenities and public benefits offered, the degree of development incentives requested and any potential adverse effects." (11 DCMR § 2403.8.) Given the level of project amenities and public benefits, the Commission finds that the development incentives are appropriate to approve the modification.

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 13

Comprehensive Plan and Public Policies

54. The modified PUD is consistent with and fosters the goals and policies listed below in the District of Columbia Comprehensive Plan.
55. *Land Use Element (Chapter 3)*. The Comprehensive Plan provides that, “[b]ecause the Land Use Element integrates the policies and objectives of all the other District Elements, it should be given greater weight than the other elements as competing policies in different elements are balanced.” (10 DCMR § 300.2.) The underlying goal of the Land Use Element is to ensure the efficient use of land resources to meet long-term neighborhood, citywide, and regional needs; to help foster other District goals; to protect the health, safety, and welfare of District residents and businesses; to sustain, restore, or improve the character and stability of neighborhoods in all parts of the city; and to effectively balance the competing demands for land to support the many activities that take place within District boundaries. (10 DCMR § 302.1.) The proposed project will advance this important goal by complying with a number of the policies set forth in the Land Use Element of the Comprehensive Plan.
- (a) *Policy LU-1.1.5: Urban Mixed Use Neighborhoods: Encourage new central city mixed use neighborhoods combining high-density residential, office, retail, cultural, and open space uses in the ... South Capitol Street corridor / Stadium area. ... Housing, including affordable housing, is particularly encouraged and should be a vital component of the future land use mix.*

The proposed project contemplates the construction of a mixed-use development that will include approximately 32,707 square feet of arts-related space and approximately 443,843 square feet of gross floor area devoted to residential use. Twenty percent of the residential units will be set aside for households earning no more than 80% of the AMI. The presence of the new museum and arts-related uses, retail/service uses, and/or educational uses, and the adjacent residential development will significantly enhance the vitality of the South Capitol Street corridor/Stadium area.

- (b) *Policy LU-2.1.4: Rehabilitation Before Demolition: In redeveloping areas characterized by vacant, abandoned, and underutilized older buildings, generally encourage rehabilitation and adaptive reuse of existing buildings rather than demolition.*

The Applicant intends to retain and rehabilitate the principal building in the Randall School complex, as well as its east and west wings. These historic buildings will house the new museum, educational and retail/service uses and will represent precisely the type of adaptive reuse encouraged by Policy LU-2.1.4.

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 14

- (c) *Policy LU-2.1.12: Reuse of Public Buildings: Rehabilitate vacant or outmoded public and semi-public buildings for continued use. Reuse plans should be compatible with their surroundings, and should limit the introduction of new uses that could adversely affect neighboring communities.*

The proposed use of the existing building as a center devoted to the arts and arts-related uses will be compatible with the Subject Property's surroundings and will not adversely affect the Near Southwest community. Similarly, the residential portion of the development will have no adverse effects on the surrounding neighborhood. Indeed, the proposed development will help create the critical mass of residential uses that will be necessary to ensure the economic health of this rapidly changing area.

56. *Housing Element (Chapter 5).* The stated goal of the Housing Element of the Comprehensive Plan is to "[d]evelop and maintain a safe, decent, and affordable supply of housing for all current and future residents of the District of Columbia." (10 DCMR § 501.1.) The proposed project will help achieve this goal by advancing the policies discussed below.

- (a) *Policy H-1.1.1: Private Sector Support: Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. (10 DCMR § 503.2.)*

The proposed development will include approximately 443,843 square feet of gross floor area devoted to residential uses. As noted above, the Applicant intends to reserve 20% of the residential units in the development for households earning no more than 80% of the AMI. Thus, the proposed project will further the District's policy of leveraging private development to create affordable housing within the city.

- (b) *Policy H-1.1.4: Mixed Use Development: Promote mixed-use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations. (10 DCMR § 503.5.)*

The proposed development will contain both residential and arts-related uses. The subject site is located only one block away from South Capitol Street and is within walking distance of four Metrorail stations on three separate lines. The project will represent precisely the type of mixed-use development that Policy H-1.1.4 is designed to encourage.

- (c) *Policy H-1.1.5: Housing Quality: Require the design of affordable housing to meet the same high-quality architectural standards required of market-rate housing. Regardless of its affordability level, new or renovated housing should be*

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 15

indistinguishable from market rate housing in its exterior appearance and should address the need for open space and recreational amenities, and respect the design integrity of adjacent properties and the surrounding neighborhood. (10 DCMR § 503.6).

The affordable units in the development on the Randall School property will be virtually indistinguishable from the market-rate units in the project and will be distributed throughout the new construction. Thus, the modified project will comply with Policy H-1.1.5 of the Housing Element.

- (d) *Policy H-1.2.5: Workforce Housing: In addition to programs targeting persons of very low and extremely low incomes, develop and implement programs that meet the housing needs of teachers, firefighters, police officers, nurses, city workers, and others in the public service professions with wages insufficient to afford market-rate housing in the city. (10 DCMR § 504.12.)*

Twenty percent of the residential units in the proposed development will be reserved for families who earn no more than 80% of the AMI. These units will be priced at a level that is affordable for nurses, teachers, members of the police and fire departments, and members of the other occupational categories listed in Policy H-1.2.5. Thus, this project more than meets the standards set forth in this policy.

57. *Economic Development Element (Chapter 7).* The Comprehensive Plan provides that the goal of the Economic Development element is to:

[s]trengthen the District's economy by sustaining its core industries, attracting new and diverse industries, accommodating future job growth, fostering the success of small businesses, revitalizing neighborhood commercial centers, improving resident job skills, and helping a greater number of District residents find and keep jobs in the Washington regional economy.

(10 DCMR § 701.1.) In addition to furthering the general goal of economic development by creating new jobs and tax revenues for the District, the Randall School redevelopment project will also advance the Comprehensive Plan's specific policy for economic development and institutional growth.

58. *Urban Design Element (Chapter 9).* The goal of the Comprehensive Plan's Urban Design Element is to:

[e]nhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identity of its neighborhoods, harmoniously integrating

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 16

new construction with existing buildings and the natural environment, and improving the vitality, appearance, and security of streets and public spaces.

(10 DCMR § 901.1.) In keeping with this objective, the Applicant has gone to great lengths to integrate the new residential portion of the development with the historic fabric of the Randall School complex. In addition, the project respects the integrity of the L'Enfant street plan and thus complies with the Urban Design Element's policy of reinforcing the L'Enfant and McMillan Plans and of improving the vitality, appearance, and security of the streets.

- (a) *Policy UD-1.1.2: Reinforcing the L'Enfant and McMillan Plans: Respect and reinforce the L'Enfant and McMillan Plans to maintain the District's unique, historic and grand character. This policy should be achieved through a variety of urban design measures, including appropriate building placement, view protection, enhancement of the L'Enfant Plan reservations (green spaces), limits on street and alley closings ..., and the siting of new monuments and memorials in locations of visual prominence. Restore as appropriate and where possible, previously closed streets and alleys, and obstructed vistas or viewsheds.*

The western edge of the Subject Property includes a portion of First Street, S.W. that was closed in connection with the southwest urban renewal plans of the 1950s. Although this area is no longer used as a public street, the Applicant has agreed to forego development on this portion of the site to maintain the integrity of the original L'Enfant street plan.

59. *Historic Preservation Element (Chapter 10).* The overarching goal of the Historic Preservation Element of the Comprehensive Plan is described as follows:

Preserve and enhance the unique cultural heritage, beauty, and identity of the District of Columbia by respecting the historic physical form of the city and the enduring value of its historic structures and places, recognizing their importance to the citizens of the District and the nation, and sharing mutual responsibilities for their protection and stewardship.

(10 DCMR § 1001.1.) The sensitive treatment of the historically significant portions of the Randall School complex, and the integration of the new residential building into the historic fabric of the existing structures, will significantly advance the goal described above. In addition, the proposed project will further a number of the specific policies outlined in the Historic Preservation Element of the Comprehensive Plan.

- (a) *Policy HP-2.3.1: The Plan of the City of Washington: Preserve the defining features of the L'Enfant and McMillan plans for Washington. Work jointly with federal agencies to maintain the public squares, circles, and major reservations*

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 17

as landscaped open spaces that provide a means to experience the legacy of the city plan. Preserve the historic pattern of streets and associated minor reservations, and protect these historic rights-of-way from incompatible incursions and intrusions.

As noted above, the Applicant does not intend to construct any improvements on the closed portion of First Street, S.W. Similarly, the north façade of the building has been designed to maintain the historic street wall lines along portions of former H Street to further preserve the integrity of the historic orthogonal street pattern. The current design of the project will thus further the objectives of Policy HP-2.3.1 by preserving the historic pattern of streets established by the L'Enfant Plan.

- (b) *Policy HP-2.4.1: Rehabilitation of Historic Structures: Promote appropriate preservation of historic buildings through an effective design review process. Apply design guidelines without stifling creativity, and strive for an appropriate balance between restoration and adaptation suitable from the particular historic environment.*

The proposed development is subject to review by both the HPRB, the Mayor's Agent for Historic Preservation, and the Zoning Commission. These proceedings will involve precisely the type of extensive design review contemplated by Policy HP-2.4.1. Moreover, because the Randall School building and its wings have been designated as landmarks, moreover, any future attempts to demolish or alter these structures will require further review by the HPRB.

- (c) *Policy HP-2.4.2: Adaptation of Historic Properties for Current Use: Maintain historic properties in their original use to the greatest extent possible. If this is no longer feasible, encourage appropriate adaptive uses consistent with the character of the property.*

Although the Randall School will no longer be used by the D.C. Public Schools, it will still be devoted to educational arts uses. The proposed change in use is fully consistent with the objectives of Policy HP-2.4.2.

- (d) *Policy HP-3.2.1: Preservation and Community Development: Promote historic preservation as a tool for economic and community development. (10 DCMR § 1017.3.)*

In its current state, the Randall School actually detracts from the character of the surrounding neighborhood. The rehabilitation and adaptive reuse of these historic structures will provide an attractive physical environment for visitors to the museum and arts-related activities at the Subject Property. In addition, the renovation of these

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 18

deteriorating buildings will improve the overall appearance of the streetscape and help stimulate additional private investment in the surrounding area.

60. *Arts and Culture Element (Chapter 14).* The Arts and Culture Element of the Comprehensive Plan reflects the District's longstanding commitment to the development and retention of arts and other cultural uses in the city, particularly in areas where such uses are underrepresented:

Support and encourage arts and cultural venues, programs and learning experiences in the District of Columbia that inspire a vibrant cultural life for all segments of the population. Enhance the city's diverse artistic and cultural traditions through decisions affecting the physical environment.

(10 DCMR § 1401.1.) The proposed project, which will include approximately 32,707 square feet of gross floor area devoted to museum and arts-related uses, is consistent with this general goal and will further a number of the specific policies enunciated in the Arts and Culture Element.

- (a) *Policy AC-1.1.2: Development of New Cultural Facilities: Develop new neighborhood cultural facilities across the District, providing affordable space for grass roots and community arts organizations. Provide technical and financial assistance to organizations to help plan and build such facilities.*

The proposed project will include approximately 32,707 square feet of exhibition and arts-related space in a new museum of contemporary art. Approval of the modified PUD will further Policy AC-1.1.2 by allowing the development of an important new cultural facility in the Near Southwest neighborhood.

- (b) *Policy AC-1.1.3: Distribution of Facilities: Promote improved geographic distribution of arts and cultural facilities, including development of arts facilities and venues east of the Anacostia River and in other parts of the city where they are in short supply today.*

There is currently a lack of arts and cultural facilities along the South Capitol Street corridor. The proposed PUD will help correct this imbalance in the geographic distribution of the District's cultural resources.

- (c) *Policy AC-4.4.1: Arts Education Programs: Build a stronger constituency for the arts in the District through arts education in K-12 schools including attendance at arts performances and arts exhibitions, and support of adult art programs for persons of all ages and backgrounds. City resources should be used to help promote the strong and diverse arts programs offered by our public schools.*

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 19

The proposed development will further the objectives of Policy AC-4.4.1 by providing numerous educational exhibitions and programs geared toward school-age children and young adults in ANC 6D and through the District.

61. *Compliance with the Lower Anacostia Waterfront/Near Southeast Area Element.* In addition to the citywide elements, the Comprehensive Plan includes ten geographically based "area elements." The subject property is located within the Lower Anacostia/Near Southeast area. As discussed below, the proposed project is consistent with the objectives and policies of the Lower Anacostia/Near Southeast Area Element.
- (a) *Policy AW-2.2.1: South Capitol Street Urban Boulevard: Transform South Capitol Street into a great urban boulevard and "walking" street, befitting its role as a gateway to the U.S. Capitol and a major Anacostia River crossing. Development along the street should include a mix of federal, District, and private uses.*

The site of the proposed development is located within the South Capitol Street / Buzzard Point policy focus area. The project will provide an appropriate mix of residential and arts-related uses in close proximity to South Capitol Street. The introduction of a museum, arts-related uses, retail/service uses, educational uses, and new residential units in this area will help achieve the District's goal of creating a vibrant urban neighborhood along this important corridor.

Office of Planning Reports and Other District Agencies

62. By report dated November 22, 2013, OP recommended approval of the modification application, subject to the Applicant adequately addressing the specific issues outlined in the report. OP indicated that the proposed benefits of the PUD would remain largely the same as with the original application and are commensurate with the amount of flexibility requested, though the exact nature of the art-related benefits has changed. OP also indicated that the basic formulation of the project-- a residential addition onto the historic Randall School, which would be used primarily for arts and arts-related uses-- would remain the same, and that the modified project remains consistent with the permitted density under the approved map amendment. OP opined that the modified project is consistent with the Comprehensive Plan, including the Land Use, Housing, Urban Design, Historic Preservation, Arts and Culture, and Lower Anacostia Waterfront/Near Southwest Plan Elements, and that the modified proposal would further a number of Comprehensive Plan's Guiding Principles. The Commission finds that the Applicant adequately addressed all of OP's issues.

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 20

63. Other District agencies, including the Department of Housing and Community Development (“DHCD”), the Metropolitan Police Department (“MPD”), and DC Water, also commented on the modified application. Based on those comments and its own analysis, OP found that the impacts on city services and the surrounding area, such as walkability, economic development, tourism, environmental protection, affordable housing, and public safety, would be favorable. OP concluded that it strongly supports the application and recommended approval of the modification application. The Commission concurs with the findings and recommendations of OP.

DDOT Report

64. By report dated November 22, 2013, DDOT indicated that it has no objections to the modifications, provided that the following conditions are incorporated into the project: (1) vehicular idling or queuing in the proposed turnaround does not impact public space; (2) back-in truck maneuvers that encroach onto public space are eliminated; and (3) the Applicant commits to work with DDOT during the public space permitting process to resolve public space issues including but not limited to the proposed reserved curb-side spaces, valet operations, curb extensions, and short-term bicycle parking.
65. DDOT indicated that the modified PUD is generally consistent with DDOT's approach to vehicle access, which is proposed from appropriate locations on I Street and private sections of H Street and First Street. DDOT found that changes in the proposed development program are not likely to significantly increase initially projected vehicle trips or increase potential on-street parking impacts in the surrounding neighborhoods. DDOT also found that the level of service ("LOS") at study area intersections would remain unchanged under build-out conditions.
66. With respect to the Applicant's request to reduce the amount of on-site vehicular parking spaces, DDOT noted that the proposed residential parking ratio of .55 is consistent with similar developments in the District. DDOT indicated that the below-grade parking garage is not anticipated to result in excessive delays for vehicles entering and exiting the site, and that the proposed parking should adequately accommodate the parking demand generated by the site without having impacts on the existing parking supply in the adjacent neighborhoods.
67. With respect to loading, DDOT indicated that the majority of loading and its associated truck movements would be adequately accommodated on the Subject Property. However, the secondary loading area, designated exclusively for museum use, would require back-in truck movements that encroach on to public space. However, DDOT also found that the proposed turn-around on Half Street would accommodate the majority of passenger drop-off and pick-up needs.

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 21

68. The Applicant's Transportation Demand Management ("TDM") plan included with the approved PUD remains in effect. The Applicant also agreed to the following measures: (1) provide electronic message display boards in each residential lobby; (2) unbundle parking costs from the cost of residential lease or purchase; and (3) cover the cost to install a Capital Bikeshare station and one year of operation costs in the immediate vicinity of the Subject Property. DDOT also recommended that the Applicant commit not to pursue access to the Residential Parking Permit ("RPP") program. In addition, as shown on the final architectural plans and elevations, the proposed project includes capacity for 550 bicycle parking spaces and storage space on the building's P1 and P2 levels.
69. The Commission finds that the Applicant's proposed TDM plan is consistent with other TDM plans approved by this Commission, and will help to promote safe and efficient traffic operations, encourage alternate modes of transportation, and maximize the use of off-street parking facilities to efficiently serve the project's demands.

ANC Report

70. ANC 6D indicated in its report dated November 25, 2013, that on November 18, 2013, ANC 6D held a regularly scheduled public meeting, at which notice was properly given and a quorum was present, and voted 5-0-0 to conditionally support the plan set forth by the Applicant, pending further negotiations between the Commission and the Applicant on a number of outstanding issues. The issues specifically noted in the ANC's motion include: (1) a clear understanding of any changes that may have resulted from the HPRB meeting held on Thursday, November 21, 2013; (2) agreement with the Applicant on a formal Construction Management Plan; (3) an updated and enumerated list of community benefits; and (4) an agreement on employment and community hiring guidelines.
71. On January 17, 2014, ANC 6D submitted a letter responding to the Applicant's January 10, 2014 post-hearing submissions, and providing an update on the continuing negotiations between ANC 6D and the Applicant. (Ex. 31.)
72. On January 27, 2014, the Applicant and ANC 6D submitted a joint statement regarding the continuing negotiations between ANC 6D and the Applicant. The letter stated that the Applicant and ANC had agreed to terms, and requested that the Commission leave the record open to accept the final agreement. (Ex. 33.)
73. On February 18, 2014, ANC 6D submitted an update on its negotiations with the Applicant. (Ex. 37.)

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 22

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. Notice of the public hearing was provided in accordance with the Zoning Regulations.
3. The modifications proposed by the Applicant are major in nature and have been processed as a second-stage application. (11 DCMR §§ 2409.9 and 3030.)
4. The modification of the approved PUD continues to carry 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.
5. The modified PUD meets the minimum area requirements of § 2401.1 of the Zoning Regulations. The modified PUD, as approved by the Commission, complies with the applicable height, bulk, and density standards of the Zoning Regulations. The uses for this project are appropriate for the Subject Property. The impact of the project on the surrounding area and the operation of city services are acceptable given the quality of the public benefits in the project.
6. The Applicant's request for flexibility from the Zoning Regulations is consistent with the Comprehensive Plan. Moreover, the project benefits and amenities are reasonable tradeoffs for the requested development flexibility.
7. Approval of this modified PUD is appropriate because the proposed development is consistent with the present character of the area and is not inconsistent with the Comprehensive Plan. In addition, the proposed development will promote the orderly development of the Subject Property in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
8. In accordance with § 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)), the Commission must give great weight to the written issues and concerns of the affected ANC. ANC 6D voted unanimously to conditionally support the application and noted its support for the modifications.

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 23

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 (2001)) to give great weight to OP recommendations. The Commission concurs with OP's view that the application should be granted and that it is not inconsistent with the Comprehensive Plan.
10. The PUD modification is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the application to modify a planned unit development for the property located at Lot 801 in Square 643-S. The approval of this PUD is subject to the guidelines, conditions, and standards set forth below, which supersede those listed in Z.C. Order Nos. 07-13 and 07-13A.

A. Project Development

1. The PUD shall be developed in accordance with the plans and materials submitted by the Applicant, dated November 12, 2013, and marked as Exhibit 19A in the record, as supplemented by Exhibits 29A, and 38C ("Plans"), and as modified by the guidelines, conditions, and standards of this Order.
2. In accordance with the Plans, the PUD shall be a mixed-used project consisting of approximately 499,843 square feet of gross floor area. Approximately 443,833 square feet of gross floor area will be devoted to residential uses, with approximately 520 units. Approximately 23,303 square feet of gross floor area will be devoted to retail/service and/or educational uses, and approximately 32,707 square feet of gross floor area will be devoted to museum uses. The PUD shall have a maximum density of 4.32 FAR.
3. The PUD shall be constructed to a maximum height of 110 feet. Roof structures may exceed the building height by a maximum of 18 feet, six inches.
4. The PUD shall provide 210 parking spaces in Phase 1 of the development, and a range of 80 to 160 spaces in Phase 2. Loading facilities shall be provided as shown on the Plans.
5. The Applicant shall have flexibility with the PUD in the following areas:

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 24

- (a) To implement the alternate ground floor plan shown on Sheet A07 of the Plans, as modified by Exhibit 29A, which will allow six residential units to be converted to commercial retail/service uses;
 - (b) To provide a range in the number of residential units of plus or minus 10% from the number depicted on the Plans;
 - (c) To vary the number, location and arrangement of parking spaces, with at least 290 spaces provided during Phase I of the construction. The Applicant shall have the flexibility to increase the number to 370 spaces in Phase II of the construction, as described in Condition A.6 below;
 - (d) To vary the size of courts, which do not meet the minimum area requirements, as shown on Exhibit 26A1;
 - (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 building;
 - (f) To vary the final selection of the plantings and beds within the range and types as proposed, based on availability at the time of installation, without reducing the quality of plantings or the layout and arrangement;
 - (g) To vary the location, attributes and general design of the public spaces and streetscapes within public space to comply with the requirements of and the approval by the District Department of Transportation Public Space Division; and
 - (h) To vary the final selection of the exterior building materials and public space 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 refinements to exterior details and dimensions, including curtainwall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, planting beds, or any other changes to comply with the District of Columbia Building Code, to comport with final design comments from the Historic Preservation Review Board, the DDOT Public Space Committee, or that are otherwise necessary to obtain a final building permit.
6. The Applicant shall have the option to construct the project in phases, as shown on the Plans, as follows:

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 25

- (a) Phase I consists of the historic Randall School buildings along I Street and the east residential building; and
- (b) Phase II consists of the west residential building. The Applicant shall have the option to include the renovations of the east and west wings of the historic Randall School in Phase II of the PUD.

The deadline for filing applications for buildings permits and to construct the phases is set forth in Condition C.2.

B. Public Benefits

1. Housing and Affordable Housing. The Applicant shall provide approximately 443,833 square feet of gross floor area to be devoted to residential uses. Twenty percent of the gross floor area devoted to residential uses, or approximately 88,766 square feet of gross floor area, shall be set aside as affordable dwelling units ("ADUs") to be offered to households earning no more than 80% of the Area Median Income ("AMI") for the Washington, D.C. Metropolitan Area. Pursuant to the restrictive covenant on the property, the Applicant shall enter into an ADU Covenant with the District's Department of Housing and Community Development regarding the eligibility, selection and enforcement of the ADU requirements, with preferences for residents of ANC 6D to the extent permitted by law. The Applicant shall not be required to locate any ADUs on the upper three floors of the building, but the units shall otherwise be designed and located within the building consistent with the IZ provisions of Chapter 26 of the Zoning Regulations.
2. Museum. The Applicant shall provide approximately 32,707 square feet of gross floor area of the PUD for museum uses, as shown on the Plans.
3. Public Space Improvements. If approved by DDOT, the PUD shall provide public space improvements as shown on the Plans, extending the length of the I Street, as well as the H Street frontage.
4. Randall Recreation Center Drop-off/Turn-Around. If approved by the District and the Department of Parks and Recreation, the Applicant shall create a vehicular drop-off and turn-around point to serve both the Randall Recreation Center and the east portion of the PUD, as shown on the Plans.
5. Transportation Demand Management ("TDM") Measures. The Applicant shall implement the following TDM measures at the PUD:

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 26

- (a) Providing a minimum of 45 spaces for bicycle parking/storage facilities, which exceeds the minimum requirement;
 - (b) Unbundling the cost of lease or purchase of parking spaces from the leased office space; parking costs will be set at no less than the charges of the lowest fee garage located within one-quarter of a mile;
 - (c) Prior to issuance of the certificate of occupancy, identifying a project's TDM Leader (for planning, construction, and operations), and providing DDOT/Zoning Enforcement with annual TDM Leader contact updates;
 - (d) Posting all TDM commitments on-line through the property management website, publicize availability, and allow the public to see what commitments have been promised;
 - (e) Providing reserved spaces for carpools that are within the first five spaces closest to the elevators serving the building on either P2 or P3; providing website links to Commuter/Connections.com and goDCgo.com on developer and property management websites; and
 - (f) Installing a Transportation Information Center Display (kiosk) or similar electronic information device within the office building containing information and materials related to local transportation alternatives; ensuring that bike commuters will have access to shower/changing facilities available in the building; providing a transit screen or similar electronic information device in the main lobby of the building to provide real-time publicly accessible transit information; providing a reserve space for low-emission vehicles ("LEV") and electric vehicle charging stations.
6. LEED Qualification: Prior to the issuance of a certificate of occupancy, the PUD shall be designed to meet a LEED-Silver rating, consistent with the score sheets submitted with the Plans but the Applicant shall not be required to obtain the certification from the United States Green Building Council. The Applicant shall submit separate score sheets for the historic building/museum addition and for the residential portion of the PUD.
7. Benefits of Special Value to the Neighborhood:
- (a) *Museum Admission Policy*: The Applicant shall provide free admission to the art museum to ANC 6D residents as long as the museum is open to the public. In its discretion, the Applicant may implement this free-admission

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 27

policy by issuing membership cards to ANC 6D residents or by accepting another form of residential identification;

- (b) *Meeting Space:* Applicant shall provide meeting space in the auditorium on the lower (main) level of the museum, or other suitable meeting space on the lower (main) level, at no charge for one neighborhood town meeting per calendar month and for one small-room meeting per calendar month;
- (c) *Art Exhibits:* Applicant shall organize an annual exhibit of artwork by residents of ANC 6D, including at least one public-school student. The art will be displayed in the local artists' gallery on the lower level of the museum, as shown on Sheet A05 of the architectural drawings;
- (d) *Art Projects:* Applicant shall designate an annual ANC 6D neighborhood visual arts project and provide the resources needed to make that project a reality. The Applicant will designate a community outreach coordinator to work with ANC 6D to create and annual visual arts project, and to supply, directly or through a third parties, the art materials, display location and funding for the project;
- (e) *Art Festival:* The Applicant will designate a community outreach coordinator to work with ANC 6D and the Washington Project for the Arts to organize, sponsor, and provide resources for an annual public, free-admission outdoor Arts Festival in ANC 6D;
- (f) *ANC 6D Volunteers:* Applicant shall establish a program of recruiting museum volunteers from ANC 6D, who will receive free admission to at least one paid event at the museum;
- (g) *Randall Neighbor Day at the Corcoran:* Applicant shall schedule one day each year on which ANC 6D residents will have free admission to the Corcoran Gallery of Art;
- (h) *Educator Memberships in the Corcoran Gallery of Art and Special Interest Society:* The Applicant shall provide five annual free, year-long, Individual Memberships in both the Corcoran Gallery of Art and a special interest society for DC public-school teachers, one of which must go to a teacher in an ANC 6D public school;
- (i) *Camp Creativity:* Applicant shall provide at least five annual full scholarships to ANC 6D residents to participate in the program Camp

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 28

Creativity run by the Corcoran Gallery of Art or by the Corcoran College of Art + Design. If the Corcoran discontinues Camp Creativity, this provision will not apply thereafter;

- (j) *Southwest Historic District Study*: Prior to the issuance of a certificate of occupancy, the Applicant shall contribute \$20,000 to Southwest Neighborhood Assembly to support the study and development of a Southwest Washington historic district;
 - (k) *Arts Program at Randall Recreation Center*: Prior to the issuance of a certificate of occupancy, the Applicant shall contribute to the Southeast Southwest Community Benefits Coordinating Council (“CBCC”) \$1,000 per month, for a period of five years, to help fund arts programming at the Randall Recreation Center. CBCC will create a plan for arts programming in consultation with Washington Project for the Arts and others, including the Applicant. The Applicant may accelerate payments in order to obtain a certificate of occupancy;
 - (l) *Construction Management Plan*: Prior to the issuance of a building permit, the Applicant shall submit a construction management plan to the ANC; and
 - (m) *RPP Restrictions*: Prior to the issuance of a certificate of occupancy for the residential portion of the PUD, the Applicant shall provide evidence that restrictions will be included in the residential leases or condominium documents prohibiting a RPP from the Department of Motor Vehicles. The Applicant shall also provide evidence that it has requested that the building be removed or excluded from the RPP program.
8. First Source Employment Agreement: Prior to the issuance of a building permit, the Applicant shall execute a First Source Employment Agreement with the Department of Employment Services in order to achieve the goal of utilizing D.C. residents for at least 51% of the jobs created by the construction of the PUD. The Applicant shall give residents from ANC 6D special consideration for employment to the extent permitted by law.
9. CBE Agreement: Prior to issuance of a building permit, the Applicant shall execute a Certified Business Enterprise agreement with the Department of Small and Local Business Development and submit a copy to the Office of Zoning. The CBE Agreement shall commit the Applicant to achieve, at a minimum, the goal of 35% participation by local, small, or disadvantaged businesses in the contracted

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 29

development costs in connection with the design, development and construction for the project created as a result of the PUD.

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. 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. 07-13D. Within such time, an application must be filed for a building permit for the construction of Phase I of the project (described in A.6 above) as specified in 11 DCMR § 2409.1; the filing of the building permit application will vest the Order. Construction of Phase I of the project must commence within three years of the effective date of Z.C. Order No. 07-13D. The Applicant shall file for a building permit for Phase II of the PUD within two years after completion of Phase I of the PUD and start construction of Phase II within three years after completion of Phase I of the PUD.
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 January 27, 2014, upon the motion of Commissioner Miller, as seconded by Vice Chairman Cohen, the Zoning Commission **APPROVED** the Application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull).

Z.C. ORDER NO. 07-13D
Z.C. CASE NO. 07-13D
PAGE 30

On March 10, 2014, 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 **4-1-0** (Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt; Anthony J. Hood opposed).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on May 9, 2014.

ZONING COMMISSION ORDER NO. 07-13E
Z.C. CASE NO. 07-13E
Trustees of the Corcoran Gallery of Art and TR SW 2 LLC
(PUD Time Extension @ Square 643-S, Lot 801)
March 10, 2014

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia ("Commission") was held on March 10, 2014. At the meeting, the Commission approved a request from the Trustees of the Corcoran Gallery of Art and TR SW 2 LLC ("Applicant") for a time extension for an approved planned unit development ("PUD") for property consisting of Lot 801 in Square 643-S ("Subject Property") pursuant to Chapters 1 and 24 of the District of Columbia Zoning Regulations (11 DCMR).

FINDINGS OF FACT

1. By Z.C. Order No. 07-13, the Commission approved a PUD for the Subject Property and a related application to amend the Zoning Map from the R-4 Zone District to the C-3-C Zone District for the Subject Property. The Subject Property consists of approximately 115,724 square feet of land area. The approved PUD includes plans to redevelop the former Randall Junior High School as a new campus for the Corcoran College of Art and Design and a new residential building consisting of 440-490 units. The approved project provided approximately 499,843 square feet of gross floor area, of which 76,043 square feet of gross floor area would be devoted to academic uses. The building would be constructed to a maximum height of 100 feet and would have a density of 4.32 floor area ratio ("FAR"). ("Original PUD.")
2. By Z.C. Order No. 07-13A, dated June 9, 2008, and effective September 27, 2008, the Commission approved a minor modification to allow phased construction of the PUD.
3. By Z.C. Order No. 07-13B, dated February 22, 2010, and effective March 19, 2010, the Commission granted a two year extension to the validity of the original Order, such that a building permit application must be filed for the PUD no later than March 21, 2012, and construction must be started no later than March 21, 2013.
4. By Z.C. Order No. 07-13C, dated May 14, 2012, and effective August 31, 2012, the Commission granted a second two year extension to the approved PUD, such that a building permit application must be filed for the PUD no later than March 21, 2014, and construction must be started no later than March 21, 2015.
5. On May 31, 2013, the Applicant filed an application with the Commission for a modification to the approved PUD (Z.C. Case No. 07-13D). The Applicant sought approval to (i) fully redesign the envelope of the residential portion of the building; (ii) change the project's art component by replacing the Corcoran College of Art and Design with a new museum of contemporary art; (iii) reallocate the approved density of 4.32 FAR such that approximately 443,843 square feet of gross floor area would be devoted to residential uses and 56,010 square feet of gross floor area would be devoted to

Z.C. ORDER NO. 07-13E
Z.C. CASE NO. 07-13E
PAGE 2

- non-residential uses; (iv) increase the height of the residential portion of the building from 100 feet to 110 feet; (v) provide approximately 290-370 vehicle parking spaces located on two levels of on-site parking; and (vi) modify the loading facilities and move them underground.
6. By letter dated January 27, 2014, the Applicant filed a third request to extend the validity of the PUD approval. The letter indicates that the extension is necessary to allow the Commission time to act on and issue a written order for the PUD modification in Z.C. Case No. 07-13D. The Applicant was concerned that the written order granting the PUD modification might not be issued prior to the expiration of the current PUD on March 21, 2014, which would then deprive the Commission of its jurisdiction to grant the modification. The letter therefore requested that the Commission approve an extension of the PUD, so that the validity of Z.C. Order No. 07-13 is extended until such time as the Commission issues an order approving the PUD modification application in Z.C. Case No. 07-13D.
 7. The extension request was referred to the Office of Planning ("OP") on January 31, 2013. OP did not file a report.
 8. On March 10, 2014, the Commission took final action to approve the extension request. In order to give the Applicant the greatest flexibility possible, the Commission granted a two-year extension of the Original PUD, rather than the short term extension requested by the Applicant. At the same time, the Commission granted the application to modify the PUD. The order granting the modification application (Z.C. Order No. 07-13D) is being published simultaneously with this Order. Z.C. Order No. 07-13D establishes deadlines to file applications for building permits and to commence construction of the modified phased development approved in that order. The failure of the Applicant to meet the deadlines extended in this Order for the Original PUD will have no effect its ability to develop the PUD as modified in Z.C. Order No.07-13D.

CONCLUSIONS OF LAW

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

Z.C. ORDER NO. 07-13E
Z.C. CASE NO. 07-13E
PAGE 3

- condition or factor beyond the applicant's reasonable control which renders the applicant unable to comply with the time limits of the PUD order.
2. The Commission concludes that the Applicant complied with the notice requirements of 11 DCMR § 2408.10(a) by serving all parties with a copy of the Application and allowing them 30 days to respond.
 3. The Commission concludes that although certain elements of the PUD are being changed, the fundamental program remains the same. The project will continue to provide a substantial amount of housing, affordable housing, and museum and related retail uses, as contemplated in the approved PUD. The Commission therefore concludes that there are no material changes to the application that would undermine the Commission's justification for approving the original PUD.
 4. The Commission concludes that the Applicant presented substantial evidence of good cause for the extension based on the criteria established by 11 DCMR § 2408.11(b), the Applicant's inability to secure all required governmental agency approvals for the PUD by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the Applicant's reasonable control. The Commission concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations.
 5. 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 affected ANC's recommendations. The ANC was provided 30-day notice in accordance with § 2408.10(b), but it did not file any report or recommendation.
 6. 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. OP did not file a report on the extension request.
 7. Subsection 2408.12 of the Zoning Regulations provides that the Commission must hold a public hearing on a request for an extension of the validity of a PUD only if, in the determination of the Commission, there is a material factual conflict that has been generated by the parties to the PUD concerning any of the criteria set forth in § 2408.11. The Commission concludes a hearing is not necessary for this request since there are not any material factual conflicts generated by the parties concerning any of the criteria set forth in § 2408.11 of the Zoning Regulations.

Z.C. ORDER NO. 07-13E
Z.C. CASE NO. 07-13E
PAGE 4

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the request for a time extension of the consolidated PUD and a related Zoning Map amendment from the R-4 to C-3-C Zone District for Lot 801 in Square 643-S approved in Z.C. Case No. 07-13, the validity of which was extended by Z.C. Order Nos. 07-13B and 07-13C ("Original Project"). Although the request sought an extension only until the issuance of Z.C. Order 07-13D, the Commission is granting a two year extension of the Original PUD.

The Original Project approved by the Commission therefore shall be valid for a period of two years, or until March 21, 2016, within which time the Applicant must file a building permit application. Construction must be started within three years, or by March 21, 2017. As to the modified PUD approved by Z.C. Order No. 07-13D, the time periods for filing building permit applications and commencing construction of the two phases described in Condition A.6 of that Order shall be as stated in Condition B.2 therein. The failure of the Applicant to meet the deadlines extended in this Order for the Original PUD will have no effect on its ability to develop the PUD as modified in Z.C. Order No. 07-13D and *vice versa*.

The Applicant is required to comply fully with the provisions of the D.C. Human Rights Act of 1977, D.C. Law 2038, as amended, D.C. Official Code § 2-1404.01 *et seq.* ("Act"). This order is conditioned upon full compliance with those provisions. In accordance with the Act, the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is 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 March 10, 2014, upon the motion of Vice Chairman Cohen, as seconded by Chairman Hood, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on May 9, 2014

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF CLOSED MEETINGS**

TIME AND PLACE: **Tuesday, May 13, 2014, @ 1:00 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:

The Zoning Commission, in accordance with § 405(c) of the Open Meetings Act, hereby provides notice it will hold a closed meeting at the time and place noted above for the purpose of receiving training as permitted by D.C. Official Code § 2-575(b)(12). The subject of the training is the Residential Parking Permit Program, Code of Conduct, and the new Mobile Application.

**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 REGISTER – May 9, 2014 – Vol. 61 - No. 20 4663 – 4860