



***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- DC Council passes Act 20-385, Sustainable DC Omnibus Amendment Act of 2014
- DC Council schedules a public oversight hearing on the review of District agencies' compliance with small business enterprise expenditure goals
- DC Public Charter School Board schedules a public hearing on the relocation of Shining Stars Public Charter School
- Department of Health Care Finance sets standards for governing Medicaid reimbursement for Early Intervention Services administered by the Office of the State Superintendent of Education
- The Office of Asian and Pacific Islander Affairs (AAPI) announces funding for the FY2015 AAPI Community Grant
- DC Taxicab Commission announces funding availability for the Coordinated Alternative to Paratransit Services Grant

# DISTRICT OF COLUMBIA REGISTER

## Publication Authority and Policy

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

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

## DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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PERIODICAL POSTAGE PAID AT WASHINGTON, D.C.  
POSTMASTER: Send address changes to D.C. Register, 441 - 4<sup>th</sup> Street, N.W., Suite 520 South, Washington, D.C. 20001

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## ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-381

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 25, 2014

To approve, on an emergency basis, Contract No. PO-GF-2014-P-0001-DJ, including a modification, between the University of the District of Columbia and Human Circuit, Inc., for the high-definition upgrade of Cable TV 98 and to authorize payment in the amount of \$1,028, 976. 38 for the services received and to be received under the contract and modification.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "University of the District of Columbia Contract No. PO-GF-2014-P-0001-DJ, Including a Modification, 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 Contract No. PO-GF-2014-P-0001-DJ, including a modification, between the University of the District of Columbia and Human Circuit, Inc., for the high-definition upgrade of Cable TV 98, which was transmitted to the Council by the University of the District of Columbia on June 24, 2014, and which is reflected in the transmitted contract and resolution adopted by the Board at a meeting on June 3, 2014, and authorizes payment in the amount of \$1,028, 976. 38 for the services received and to be received under the contract and modification

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)).

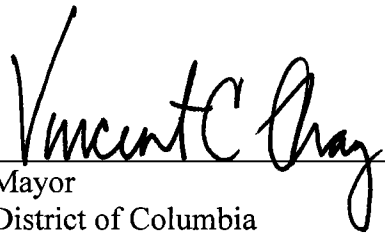
Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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  
July 25, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-382

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 25, 2014

To approve, on an emergency basis, Contract No. DCPL-2013-C-0004 with Martinez and Johnson Architecture to provide architectural and engineering design services for the Martin Luther King Jr. Memorial Library, and to authorize payment for those services to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Proposed Multiyear Contract No. DCPL-2013-C-0004 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 multiyear Contract No. DCPL-2013-C-0004 with Martinez & Johnson Architecture for architectural and engineering design services, including programming and conceptual design services, for the renovation of and addition to the Martin Luther King Jr. Memorial Library for a performance period of 791 calendar days and authorizes payment in the estimated amount of \$2,700,300 for services to be received under the contract.

Sec. 3. Fiscal impact statement.

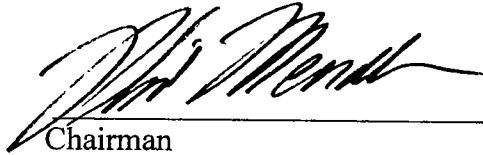
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

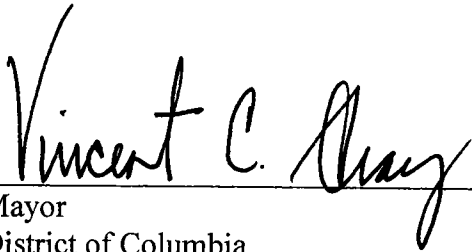
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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  
July 25, 2014

## ENROLLED ORIGINAL

## AN ACT

D.C. ACT 20-383

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 25, 2014

To approve, on an emergency basis, Modification Nos. 2 and 3 to Contract No. DCKA-2012-C-0089 with Capitol Paving of D.C., Inc. to provide pavement restoration services for local streets and to authorize payment for services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification Nos. 2 and 3 to Contract No. DCKA-2012-C-0089 for Local Pavement Restoration Services Payment 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 Modification Nos. 2 and 3 to Contract No. DCKA-2012-C-0089 with Capitol Paving of D.C., Inc. to provide pavement restoration services for the District Department of Transportation and authorizes payment in the amount of \$11,145,855 for services received and to be received under the contract.

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.

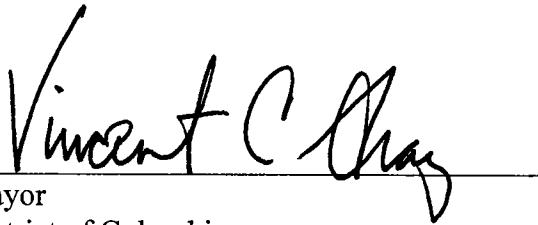
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section\

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  
July 25, 2014



## ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-384

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2014

To approve, on an emergency basis, the interest arbitration award and compensation agreement submitted by the Mayor for employees in Compensation Unit 4.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Interest Arbitration Award and Compensation Agreement between the District of Columbia Fire and Emergency Medical Services Department and Local 36 International Association of Firefighters (Compensation Unit 4) Emergency Approval Act of 2014".

Sec. 2. (a) Pursuant to section 1717(j) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.17(j)), the Council approves the interest arbitration award and compensation agreement between the District of Columbia Fire and Emergency Medical Services Department and Local 36 International Association of Firefighters (Compensation Unit 4), which was transmitted by the Mayor to the Council on June 25, 2014.

(b) This approval is without prejudice to pending litigation regarding the following language in Article 18: "Members whose duties include fire suppression shall be paid overtime for all hours worked in excess of 42 hours averaged over a four-week period" and the following language in Article 44 Section B:

"1) The basic workweek for members working in the Fire Fighting Division shall be 42 hours averaged over a 4-week period.

"2) The work schedule for members working in the Fire Fighting Division shall be 24 hours on duty and 72 hours off duty."

(c) It is the intent of the Council in approving the interest arbitration award and compensation agreement for Compensation Unit 4 that the legal basis for the cited provisions will be resolved in the courts and that the Council's approval does not constitute the Council taking sides in the litigation.

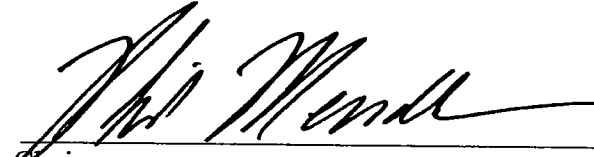
Sec. 3. Fiscal impact statement.

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)).

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Sec. 4. Effective date.

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

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

\_\_\_\_\_  
UNSIGNED  
Mayor  
District of Columbia  
July 30, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-385

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 29, 2014

To amend the Clean and Affordable Energy Act of 2008 to require the electric and gas utility companies to provide building owners with automated electronic access to aggregated consumption data to facilitate energy benchmarking and conservation; to amend the Retail Electric Competition and Consumer Protection Act of 1999 and the Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004 to clarify consumer protection provisions; to amend the Green Building Act of 2006 to clarify the responsibility for the transfer of benchmarking data upon the sale of a privately-owned building covered by the act and to designate the party responsible for reporting the benchmarking data for the calendar year in which the sale occurred; to amend Chapter 42 of Title 28 of the District of Columbia Official Code to authorize the Mayor to approve organizations that offer radon screening, testing, or mitigation services in the District; to require covered employers to provide a transportation benefit program to covered employees; to amend the Healthy Schools Act of 2010 to establish an environmental literacy program and a reporting requirement for the program; to prohibit the sale, use, or provision of expanded polystyrene containers for food service, and to require disposable food service ware provided by food service businesses to be compostable or recyclable; to amend the Sustainable DC Amendment Act of 2012 to expand the Mayor's authority to regulate beekeeping, to refine the responsibilities of beekeepers, to authorize the Mayor to regulate the management of colony density and distance from property lines and manage colony disposition; and to amend the Urban Forest Preservation Act of 2002 to require the payment for removal of special trees at the time of application for a removal permit, and to remove the option of deferred replacement by planting.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Sustainable DC Omnibus Amendment Act of 2014".

TITLE I. JOBS AND ECONOMY.

SUBTITLE A. IMPROVING BUILDING BENCHMARKING DATA THROUGH DIRECT ELECTRONIC REPORTING.

Sec. 101. The Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1773.01 *et seq.*), is amended as follows:

## ENROLLED ORIGINAL

(a) Section 101 (D.C. Official Code § 8-1773.01) is amended by adding a new paragraph (4A) to read as follows:

“(4A) “ENERGY STAR Portfolio Manager” means the ENERGY STAR Portfolio Manager tool developed by the Environmental Protection Agency, or any alternative approved by the Mayor that rates the performance of a qualifying building, relative to similar buildings nationwide, accounting for the impacts of year-to-year weather variations, building size, location, and several operating characteristics, using the Environmental Protection Agency’s national energy performance rating system.”.

(b) Section 207 (D.C. Official Code § 8-1774.07) is amended by adding a new subsection (f) to read as follows:

“(f)(1) The electric company shall undertake the following actions to provide a building owner with easier and more complete access to energy consumption data needed to promote energy conservation and comply with the benchmarking and reporting requirements in section 4(c) of the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.03(c)):

“(A) Upon written or secure electronic authorization of a building owner or the owner’s authorized agent, aggregate the energy consumption of all meters identified as being in the building and provide the data, separated by month; provided, that the following conditions are met:

“(i) Sufficient information, including building address, meter numbers, or account numbers, is provided to identify the building and meters;

“(ii) At least 5 customer accounts are being aggregated, so as to obscure any customer-specific information; and

“(iii) No customer account, other than an account registered to the building owner making the request, represents more than 80% of the total energy consumption for the building;

“(B) Provide aggregate data for at least 2 years before the initial request and automatically update the monthly data on an ongoing basis at least once every 45 calendar days;

“(C) Provide an online portal for a building owner to use to request the provision and transfer of aggregate account data, or individual customer account data the building owner is duly authorized to access, to manage requests made, and to discontinue active requests; and

“(D) Upload requested electric consumption data automatically on an ongoing basis, at least once every 45 calendar days, to the requestor’s ENERGY STAR Portfolio Manager account, as well as make the data available for an account holder to download in a common format.

“(2) Access to consumption data under this section shall be subject to any rules and regulations the Commission has adopted or may choose to adopt, where the rules do not conflict with this section.”.

## ENROLLED ORIGINAL

(c) Section 208 (D.C. Official Code § 8-1774.08) is amended by adding a new subsection (d) to read as follows:

“(d)(1) The gas company shall undertake the following actions to provide a building owner with easier and more complete access to energy consumption data needed to promote energy conservation and comply with the benchmarking and reporting requirements in section 4(c) of the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.03(c)):

“(A) Upon written or secure electronic authorization of a building owner or the owner’s authorized agent, aggregate the energy consumption of all meters identified as being in the building and provide the data, separated by month; provided, that the following conditions are met:

“(i) Sufficient information, including building address, meter numbers, or account numbers is provided to identify the building and meters;

“(ii) At least 5 customer accounts are being aggregated; and

“(iii) No customer account, other than an account registered to the building owner making the request, represents more than 80% of the total energy consumption for the building;

“(B) Provide aggregate data for at least 2 years before the initial request and automatically update the monthly data on an ongoing basis at least once every 45 calendar days;

“(C) Provide an online portal for a building owner to use to request the provision and transfer of aggregate account data, or individual customer account data the building owner is duly authorized to access, to manage requests made, and to discontinue active requests; and

“(D) Beginning no later than January 1, 2018, the gas company shall upload requested consumption data automatically on an ongoing basis, at least once every 45 calendar days, to the requestor’s ENERGY STAR Portfolio Manager account, as well as make the data available for an account holder to download in a common format.

“(2) Access to consumption data under this section shall be subject to any rules and regulations the Commission has adopted or may choose to adopt, where the rules do not conflict with this section.”.

Sec. 102. Section 107(a) of the Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1507(a)), is amended as follows:

(a) Paragraph (2) is amended to read as follows:

“(2) This restriction shall not apply to:

“(A) Lawful disclosures for bill collection or credit rating reporting purposes; or

“(B) Lawful disclosures to a building owner about the energy consumption of a non-residential tenant of the building.”.

## ENROLLED ORIGINAL

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

“(3) Aggregated consumption data may be provided under the following circumstances:

“(A) When at least 5 customer accounts are being aggregated;

“(B) When no single customer account represents more than 80% of the total aggregated energy consumption; and

“(C) When no individual customer-identifying information is included, unless:

“(i) The customer-identifying information is supplied by the person requesting the consumption data; and

“(ii) The person requesting the consumption data owns the building for which the consumption data is requested.”.

Sec. 103. Section 12(a)(1)(D) of the Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004, effective March 16, 2005 (D.C. Law 15-227; D.C. Official Code § 34-1671.11(a)(1)(D)), is amended by striking the phrase “reporting purposes;” and inserting the phrase “reporting purposes or a lawful disclosure about the energy consumption of a non-residential tenant to the tenant’s building owner; provided, that disclosure of aggregated consumption data to the owner of the building for which the data is requested shall be permissible if at least 5 customer accounts are aggregated and no single customer account represents more than 80% of the total aggregated energy consumption;” in its place.

SUBTITLE B. ASSISTING BUILDING OWNERS BY CLARIFYING RESPONSIBILITY FOR BENCHMARKING DATA.

Sec. 111. Section 4(c)(2) of the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.03(c)(2)), is amended by adding a new subparagraph (E) to read as follows:

“(E) If ownership of a building covered by this paragraph is transferred, the seller shall provide the buyer with information necessary for the buyer to timely report benchmarking data for the full reporting year in which the transfer occurred. The buyer shall submit the benchmarking data to DDOE by April 1 of the year after the building is transferred.”.

TITLE II. HEALTH AND WELLNESS.

Sec. 201. Chapter 42 of Title 28 of the District of Columbia Official Code is amended as follows:

(a) Section 28-4201(a) is amended to read as follows:

“(a) No person or company shall conduct or offer to conduct radon screening, testing, or mitigation in the District for a fee unless the person who performs the service has been:

“(1) Listed as proficient by the Environmental Protection Agency to offer radon screening, testing, or mitigation services; or

## ENROLLED ORIGINAL

“(2) Has received a certificate of proficiency from an organization approved by the Mayor to offer radon screening, testing, or mitigation services.”.

(b) Section 28-4202(a) is amended as follows:

(1) Strike the phrase “issue proposed rules” and insert the phrase “issue rules to implement this chapter, including rules” in its place.

(2) Strike the second sentence in its entirety.

## TITLE III. EQUITY AND DIVERSITY.

## SUBTITLE A. REDUCING SINGLE OCCUPANCY VEHICLE USE BY ENCOURAGING TRANSIT BENEFITS.

## Sec. 301. Definitions.

For the purposes of this subtitle, the term:

(1) “Covered employer” means an employer with 20 or more employees; provided, that the Mayor may issue rules pursuant to section 303 to expand the definition to include employers with fewer than 20 employees.

(2) “Employee” shall have the same meaning as provided in section 3(2) of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1002(2)).

(3) “Employer” shall have the same meaning as provided in section 3(3) of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1002(3)).

(4) “Transit pass” shall have the same meaning as provided in section 132(f)(5)(A) of the Internal Revenue Code, approved July 18, 1984 (98 Stat. 877; 26 U.S.C. § 132(f)(5)(A)) (“Internal Revenue Code”), and shall include transit passes for travel by bus, streetcar, or train by the Washington Metropolitan Area Transit Authority, Maryland Area Regional Commuter, Virginia Railway Express, or the National Railroad Passenger Corporation (Amtrak).

(5) “Vanpool” means a “commuter highway vehicle” within the meaning of section 132(f)(5)(B) of the Internal Revenue Code.

## Sec. 302. Transportation benefit program.

(a) By January 1, 2016, a covered employer shall provide at least one of the following transportation benefit programs to its employees:

(1) A pre-tax election transportation fringe benefits program that provides commuter highway vehicle, transit, or bicycling benefits consistent with section 132(f)(1)(A),(B), and (D) of the Internal Revenue Code at benefit levels at least equal to the maximum amount that may be deducted for those programs from an employee’s gross income pursuant to section 132(f)(2) of the Internal Revenue Code;

(2) An employer-paid benefit program whereby the employer supplies, at the election of the employee, a transit pass for the public transit system requested by each covered

## ENROLLED ORIGINAL

employee or reimbursement of vanpool or bicycling costs in amount at least equal to the purchase price of a transit pass for an equivalent trip on a public transit system; or

(3) Employer-provided transportation at no cost to the covered employee in a vanpool or bus operated by or for the employer.

(b) A covered employer who fails to offer at least one transportation benefit program as required by this section shall be subject to civil fines and penalties pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*) (“Civil Infractions Act”). Enforcement and adjudication of an infraction shall be pursuant to the Civil Infractions Act.

Sec. 303. Rules.

The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this subtitle. As of January 1, 2017, the Mayor may expand through rulemaking the definition of “covered employer” in section 301(1) to include employers with fewer than 20 employees.

SUBTITLE B. ENCOURAGING ENVIRONMENTAL STEWARDSHIP THROUGH EDUCATION AND OUTREACH.

Sec. 311. The Healthy Schools Act of 2010, effective July 17, 2010 (D.C. Law 18-209; D.C. Official Code § 38-825.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 38-821.02) is amended as follows:

(1) Subsection (c) is amended by adding a new paragraph (8) to read as follows:

“(8) To support the development and implementation of an Environmental Literacy Program established in section 502.”

(2) Subsection (g) is amended by striking the phrase “subsection (c)(6) and (7) of this section” and inserting the phrase “subsection (c)(6), (7), and (8) of this section” in its place.

(b) Section 502 (D.C. Official Code § 38-825.02) is amended to read as follows:

“Sec. 502. Environmental Literacy Program.

“(a) An Environmental Literacy Program is established within the Office of the State Superintendent of Education. The Environmental Literacy Program shall:

“(1) Coordinate the efforts of the District Department of the Environment, the District of Columbia Public Schools, the Public Charter School Board, the Office of the State Superintendent of Education, the State Board of Education, the University of the District of Columbia, the Department of Parks and Recreation, the Department of General Services, and the Department of Employment Services to triennially develop an environmental literacy plan for public schools, public charter schools, and participating private schools;

“(2) Establish and convene an Environmental Literacy Advisory Committee, composed of community organizations, District government agencies, and other interested persons;



## ENROLLED ORIGINAL

“(3) Collect data on the location and types of environmental education programs in public schools, public charter schools, and participating private schools;

“(4) Provide environmental education guidance and technical assistance to public schools, public charter schools, and participating private schools; and

“(5) Provide training, support, and assistance for environmental literacy programs in public schools, public charter schools, and participating private schools.

“(b) The environmental literacy plan shall, at minimum, include the following:

“(1) Relevant teaching and learning standards adopted by the State Board of Education;

“(2) Professional development opportunities for teachers;

“(3) Suitable metrics to measure environmental literacy;

“(4) Suitable methods to increase environmental literacy;

“(5) Governmental and nongovernmental entities that can assist schools in the achievement of those goals; and

“(6) A proposed implementation method for the plan.

“(c) One year after the effective date of the Sustainable DC Omnibus Amendment Act of 2014, passed on 2<sup>nd</sup> reading on July 14, 2014 (Enrolled version of Bill 20-573), and triennially thereafter, the Environmental Literacy Program shall issue a report about the state of environmental education in the District, plans for expansion, and recommendations for improving the program.”

(c) Section 601(b)(2) (D.C. Official Code § 38-826.01(b)(2)), is amended as follows:

(1) Subparagraph (B) is amended by striking the word “and”.

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

(3) A new subparagraph (D) is added to read as follows:

“(D) Developing and implementing an Environmental Literacy Program.”

#### TITLE IV. CLIMATE AND THE ENVIRONMENT.

##### SUBTITLE A. REDUCING WASTE AND PROTECTING THE DISTRICT'S WATERWAYS THROUGH POLLUTION PREVENTION.

###### Sec. 401. Definitions.

For the purposes of this subtitle, the term:

(1) “Disposable food service ware” means containers, bowls, plates, trays, cartons, cups, lids, straws, forks, spoons, knives, napkins, and other items that are designed for one-time use for beverages, prepared food, or leftovers from meals prepared by a food service business. The term “disposable food service ware” shall not include items composed entirely of aluminum.

(2) “Expanded polystyrene” means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by a number of techniques, including fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene).

## ENROLLED ORIGINAL

(3) "Expanded polystyrene food service products" means food containers, plates, hot and cold beverage cups, meat and vegetable trays, egg cartons, and other products made of expanded polystyrene and used for selling or providing food.

(4) "Food service business" means full-service restaurants, limited-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, supermarkets, grocery stores, vending trucks or carts, food trucks, business or institutional cafeterias, including those operated by or on behalf of District departments and agencies, and other businesses selling or providing food within the District for consumption on or off the premises.

Sec. 402. Prohibition on use of expanded polystyrene food service products.

(a) By January 1, 2016, no food service business shall sell or provide food in expanded polystyrene food service products, regardless of where the food will be consumed.

(b) Subsection (a) of this section shall not apply to food or beverages that were filled and sealed in expanded polystyrene containers before a food service business received them or to materials used to package raw, uncooked, or butchered meat, fish, poultry, or seafood for off-premises consumption.

Sec. 403. Compostable or recyclable disposable food service ware required.

(a) A District facility, agency, and department using disposable food service ware shall use compostable or recyclable disposable food service ware unless there is no suitable affordable compostable or recyclable product available as determined by the Mayor in accordance with this subtitle; provided, that disposable food service ware supplies already purchased as of the effective date of this subtitle may be used until the supplies are exhausted or until January 1, 2017, including disposable food service ware supplies that the District is obligated to purchase under any contracts in force as of the effective date of this subtitle.

(b) A District contractor and lessee using disposable food service ware shall use compostable or recyclable disposable food service ware unless there is no suitable affordable compostable or recyclable product available as determined by the Mayor in accordance with this subtitle; provided, that disposable food service ware supplies already purchased as of the effective date of this subtitle may be used until the supplies are exhausted or until January 1, 2017, including disposable food service ware supplies that the District contractor or lessee is obligated to purchase under any contracts in force on the effective date of this subtitle.

(c) By January 1, 2017, no food service business shall sell or provide food or beverages, for consumption on or off premises, in disposable food service ware unless the disposable food service ware is compostable or recyclable; provided, that this subsection shall not apply to prepackaged food or beverages that were filled and sealed outside of the District before a food service business received them.

Sec. 404. Recyclable and compostable food service ware list.

No later than 180 days after the effective date of this subtitle, the Mayor shall make public a list of vendors offering affordable compostable or recyclable disposable food service

## ENROLLED ORIGINAL

ware products. The Mayor shall update this list annually for at least 5 years after it is first published.

Sec. 405. Exemptions and waiver.

If the Mayor determines that there is no available affordable compostable or recyclable alternative to a disposable food service ware item, this item shall be listed on an exemption list and made available to the public. Sections 402 and 403 shall not apply to a food service ware item on the exemption list or for the first 6 months after an item is removed from the list. The Mayor shall review the exemption list annually to determine whether any items should be removed because an affordable compostable or recyclable alternative has become available.

Sec. 406. Evaluation of food service ware litter in the Anacostia River.

By January 1, 2016, the Mayor shall conduct a study evaluating the amount and types of trash found in the Anacostia River, including polystyrene foam, and submit findings to the Council.

Sec. 407. Rules; enforcement.

(a) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this subtitle.

(b) Civil fines and penalties may be imposed as sanctions for an infraction of the provisions of this subtitle or any rules issued under the authority of this subtitle, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*) (“Civil Infractions Act”). Enforcement and adjudication of an infraction shall be pursuant to the Civil Infractions Act.

(c) In addition to the enforcement authority provided to the Mayor under the Civil Infractions Act, the Mayor may seek injunctive relief or other appropriate remedy in any court of competent jurisdiction to enforce compliance with the provisions of this subtitle.

SUBTITLE B. PROMOTING URBAN AGRICULTURE THROUGH PROGRAM IMPROVEMENT.

Sec. 411. The Sustainable DC Amendment Act of 2012, effective April 20, 2013 (D.C. Law 19-262; D.C. Official Code § 8-1825.01 *et seq.*), is amended as follows:

(a) Section 212 (D.C. Official Code § 8-1825.02) is amended as follows:

(1) A new paragraph (7A) is added to read as follows:

“(7A) “Director” means the Director of the District Department of the Environment.”.

(2) Paragraph (8) is amended by striking the word “intended” and inserting the word “used” in its place.

(3) Paragraph (9) is amended to read as follows:

## ENROLLED ORIGINAL

“(9) “Honey bee” means *Apis mellifera* or another species designated as suitable for an urban environment by the Director.”.

(4) Paragraph (10) is amended by striking the phrase “Multi-unit” and inserting the phrase “Multi-unit building” in its place.

(5) Paragraph (11) is amended by striking the phrase “private entity” and inserting the phrase “legal entity” in its place.

(6) Paragraph (12) is repealed.

(b) Section 213 (D.C. Official Code § 8-1825.03) is amended by striking the period and inserting the phrase “and any regulations promulgated pursuant to this act.” in its place.

(c) Section 214 (D.C. Official Code § 8-1825.04) is amended to read as follows:

“Sec. 214. Responsibilities of beekeepers.

“(a) A colony kept in the District shall be registered annually with the Department.

“(b) No person shall bring into the District a colony or portion of a colony, bees on combs, empty used combs, used hives, or other used apiary appliances without complying with the procedures established by the Department in accordance with this act.

“(c) A colony may not be established in a multi-unit building without written permission from the property manager or owner.

“(d) A hive must be kept and maintained to prevent overcrowding and deter swarming according to procedures established by the Department through rulemaking.

“(e) A beekeeper shall be responsible for the remediation of bee swarms and nuisance conditions. If a beekeeper fails to fulfill this obligation, the owner of the property on which a hive is located shall be responsible for remediating these conditions, and the beekeeper shall reimburse the property owner for the costs incurred by the remediation.”.

(d) Section 215 (D.C. Official Code § 8-1825.05) is repealed.

(e) Section 216 (D.C. Official Code § 8-1825.06) is repealed.

(f) Section 217(a) (D.C. Official Code § 8-1825.07(a)) is amended to read as follows:

“(a) The Department shall establish procedures and may take measures to control the spread of bee diseases and may order a beekeeper to take measures to control the spread of bee diseases.”.

(g) Section 218 (D.C. Official Code § 8-1825.08) is repealed.

(h) Section 219 (D.C. Official Code § 8-1825.09) is amended as follows:

(1) Subsection (a) is amended by adding the following sentence at the end: “The rules may establish fees necessary to implement the provisions of this act.”.

(2) Subsection (d) is repealed.

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

“(e) The Mayor may require reimbursement for the District’s costs resulting from services, including inspections, testing, storage, and transportation of hives or bees, or other reasonable costs or fees incurred in implementation of this act or regulations promulgated pursuant to this act.”.

## ENROLLED ORIGINAL

## SUBTITLE C. GROWING THE URBAN CANOPY THROUGH ENHANCED TREE MANAGEMENT.

Sec. 421. Section 104 of the Urban Forest Preservation Act of 2002, effective June 12, 2003 (D.C. Law 14-309; D.C. Official Code § 8-651.04), is amended as follows:

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

(1) Paragraph (2) is amended by striking the semicolon and inserting the phrase “; or” in its place.

(2) Paragraph (3) is amended by striking the phrase “; or” and inserting a period in its place.

(3) Paragraph (4) is repealed.

(b) Subsection (c) is repealed.

## TITLE V. FISCAL IMPACT STATEMENT, APPLICABILITY, AND EFFECTIVE DATE.

Sec. 501. Fiscal impact statement.

The Council adopts the fiscal impact statement contained 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. 502. Applicability.

(a) Title I shall apply as of January 1, 2015.

(b) Title II shall apply as of the effective date of this act.

(c) Title III, Subtitle A, section 301, 302(a), and 303 shall apply as of the effective date of this act.

(d) Title III, Subtitle A, section 302(b) shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

(e) Title III, Subtitle B, shall apply as of the effective date of this act.

(f) Title IV, Subtitle A, sections 401, 402, and 406 shall apply as of the effective date of this act.

(g) Title IV, Subtitle A, sections 403, 404, and 405 shall apply upon the inclusion of their fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

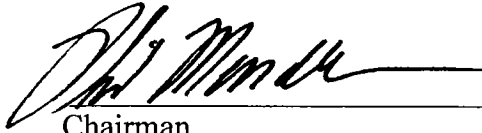
(h) Title IV, Subtitles B and C shall apply as of the effective date of this act.

Sec. 503. Effective date.

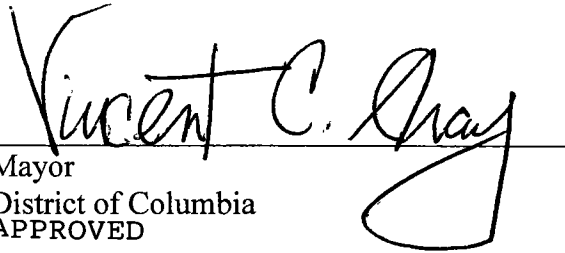
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
July 29, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-386

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 29, 2014

To amend the District of Columbia Election Code of 1955 to establish that each nominating petition circulator must make and sign an affidavit that states that he or she is a qualified petition circulator as that term is defined in the Election Code.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Board of Elections Nominating Petition Circulator Affidavit Amendment Act of 2014"

Sec. 2. Section 8(b)(3) of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 701; D.C. Official Code § 1-1001.08(b)(3)), is amended by striking the phrase "circulator is a registered voter" and inserting the phrase "circulator is a qualified petition circulator" in its place.

Sec. 3. Fiscal impact statement.

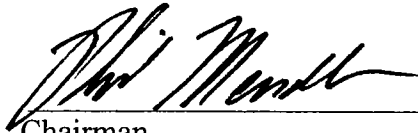
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

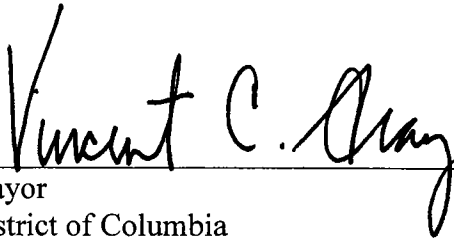
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
July 29, 2014



ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-387

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 29, 2014

To amend the District of Columbia Election Code of 1955 to permit the election of officials of political parties during any regularly scheduled primary election.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Party Officer Elections Amendment Act of 2014".

Sec. 2. Section 10(a)(1) of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 702; D.C. Official Code § 1-1001.10(a)(1)), is amended as follows:

(a) Strike the phrase "on either the 2nd Tuesday in February of each presidential election year or the 1st Tuesday in April of each presidential election year if there is" and insert the word "during" in its place.

(b) Strike the word "requested" and insert the phrase "requested; provided, that it does not interfere or conflict with applicable national party rules" in its place.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

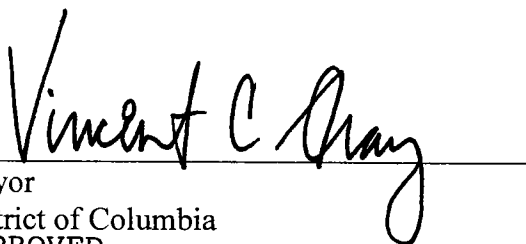
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
July 29, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-388

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 29, 2014

To amend the District of Columbia Traffic Act, 1925, to clarify the requirements for receipt of a limited purpose driver’s license, permit, or identification card.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Driver’s Safety Clarification Amendment Act of 2014”.

Sec. 2. Section 8c(a)(2) of the District of Columbia Traffic Act, 1925, effective January 17, 2014 (D.C. Law 20-62; D.C. Official Code § 50-1401.05(a)(2)), is amended to read as follows:

“(2)(A) Has not been assigned a social security number;

“(B) Has been assigned a social security number but cannot establish legal presence in the United States at the time of application; or

“(C) Is ineligible to obtain a social security number; and”.

Sec. 3. Fiscal impact statement.


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

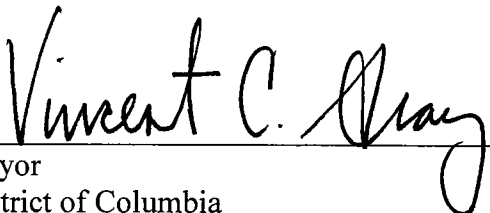
Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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  
July 29, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-389

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 29, 2014

To standardize, on a temporary basis, licensing and registration application requirements using the Nationwide Mortgage Licensing System and Registry for all non-depository financial institutions regulated through the administration of the District of Columbia Banking Code, to require each applicant obtain a unique identifier from and apply through the Nationwide Mortgage Licensing System, to authorize the Commissioner to waive or modify any of the requirements of this act or other application requirements in the Banking Code and to establish new requirements as needed to participate in the Nationwide Mortgage Licensing System, to authorize use of the Nationwide Mortgage Licensing System for criminal history background checks and credit checks as necessary, to allow the Commissioner to share confidential information with specified third parties including the Nationwide Mortgage Licensing System, to authorize the Commissioner to contract with third parties to collect fees and share information and maintain records, to authorize license renewal and reinstatement periods, to provide for the payments of non-refundable application fees, to provide that the Commissioner shall report Banking Code violations and enforcement actions to the Nationwide Mortgage Licensing System, to require the Commissioner to establish an information challenge process for data entered into the Nationwide Mortgage Licensing System, and to provide that the Commissioner may promulgate regulations to implement the act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Nationwide Mortgage Licensing System Conformity Temporary Act of 2014".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Applicant" means a person filing an initial or renewal application for licensure or registration under the Banking Code.

(2) "Application" means an initial or renewal application for licensure or registration under the Banking Code processed through the Department or its designee such as the NMLS or any other person or third party prescribed by the Commissioner.

## ENROLLED ORIGINAL

(3) "Banking Code" means the statutory provisions concerning banking and financial institutions that are codified in Title 26 of the District of Columbia Official Code, laws administered by the Commissioner, and rules and regulations promulgated under those statutory provisions and laws.

(4) "Commissioner" means the Commissioner of the Department of Insurance, Securities, and Banking.

(5) "Conference of State Bank Supervisors" or "CSBS" means the professional association of state officials responsible for chartering, regulating, and supervising state-chartered commercial and savings banks and state-licensed branches and agencies of foreign banks.

(6) "Department" means the Department of Insurance, Securities, and Banking.

(7) "Nationwide Mortgage Licensing System and Registry" or "NMLS" means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors, the American Association of Residential Mortgage Regulators, or their successors for the licensing and registration of persons engaged in the state-regulated financial service industries.

(8) "State Regulatory Registry, LLC" or "SRR" means the entity which owns and operates the NMLS, or its successors.

(9) "Unique identifier" means a number or other identifier assigned by protocols established by the NMLS.

Sec. 3. Unique identifier required.

Each licensee and registrant under the Banking Code shall register with, and maintain, a valid unique identifier issued by the NMLS.

Sec. 4. Form and contents of application.

(a) An application shall be filed on a form prescribed by the Commissioner, including all information required by the Commissioner as set forth by statute or regulation.

(b) For purposes of participating in the NMLS, the Commissioner is authorized to waive or modify in whole or by part any statutory or regulatory requirements for applications in any provision of the Banking Code, and to establish new requirements as are reasonably necessary to participate in NMLS.

Sec. 5. Background checks.

The Commissioner may use the NMLS as an agent for requesting information from, and distributing information to, the Federal Bureau of Investigation, the Department of Justice, any governmental agency, or any source as directed by the Commissioner.

Sec. 6. Confidential information.

To assist in the performance of the Commissioner's duties under this act, the Commissioner may:

## ENROLLED ORIGINAL

(1) Share documents, materials, or other information, including confidential and privileged documents, materials, or information subject to this act, with state, federal, and international regulatory agencies and law enforcement authorities, and with the CSBS, SRR, NMLS, and their affiliates or subsidiaries; provided, that the recipient agrees to maintain the confidentiality and privileged status of the documents, materials, or other information;

(2) Receive documents, materials, or information, including confidential and privileged documents, materials, or other information, including confidential and privileged documents, materials, or other information, from state, federal, or international regulatory agencies or law enforcement authorities or from the CSBS, SRR, NMLS or their affiliates or subsidiaries, and shall maintain as confidential or privileged any documents, materials, or other information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the documents, materials, or other information;

(3) Enter into agreements for sharing and using confidential information consistent with this act;

(4) Authorize a national criminal background check and submission of fingerprints and other identifying information, submitted through the NMLS, and receive criminal history record information from NMLS, the Metropolitan Police Department, and the Federal Bureau of Investigation for the purposes of facilitating determinations regarding eligibility for licensure or registration under the Banking Code; and

(5) Contract with a third party, including the SRR, the CSBS, or their affiliates or subsidiaries, to perform any functions, including the collection of licensing, registration and processing fees, collection of contact information and other identifying information, fingerprints, written consent to a criminal background check, personal history and experience, and conduct of examinations-related activities covered under the Banking Code, that the Commissioner may consider appropriate.

#### Sec. 7. Renewal.

(a) A license or registration issued under this act shall expire on a date to be determined by the Commissioner. A license or registration may thereafter be renewed for one-year term extensions as provided by this section.

(b) Before a license expires, the applicant may renew the license or registration for additional one-year terms, if the applicant:

(1) Demonstrates that the applicant continues to meet the standards for licensing or registration under this act and under all relevant provisions of the Banking Code;

(2) Pays all applicable fees as prescribed by the Commissioner and all third-party fees; and

(3) Submits to the Commissioner a renewal application on the form that the Commissioner requires.

## ENROLLED ORIGINAL

## Sec. 8. Application fees.

(a) When filing an application, each applicant shall pay the applicable fees prescribed by the Commissioner and any third-party fees. Any fees paid in connection with the processing of an application shall be non-refundable.

(b) The Commissioner may, from time to time, increase or decrease the fees set forth in this section. The fees shall be fixed at such rates, and computed on such bases and in such manner as may, in the judgment of the Commissioner, be necessary to defray the approximate costs of carrying out the regulatory functions set forth in this act and the Banking Code. These fees shall not be abated or refunded by surrender, suspension, cancellation, or revocation of a registration.

## Sec. 9. NMLS reporting requirements.

The Commissioner shall regularly report violations of the Banking Code, as well as enforcement actions and other relevant information, to the NMLS. The reports shall be subject to the provisions of section 6t.

## Sec. 10. NMLS information challenge process.

The Commissioner shall establish a process whereby applicants, licensees, and registrants may challenge information entered into the NMLS by the Commissioner.

## Sec. 11. Rules.

The Commissioner may issue rules to implement the provisions of this act.

## Sec. 12. 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)).

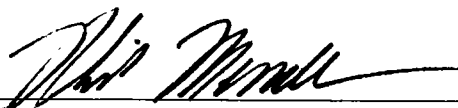
## Sec. 13. Effective date.

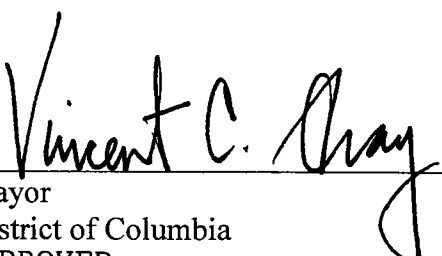
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813;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



ENROLLED ORIGINAL

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

  
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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
July 29, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-390

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 29, 2014

To approve, on an emergency basis, Contract No. DCHBX-2013-0007 to provide communication and marketing services and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCHBX-2013-C-0007 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 Contract No. DCHBX-2013-C-0007 to provide communication and marketing services and authorizes payment in the amount of \$3,611,067.10 for services received and to be received under the contract.

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)).

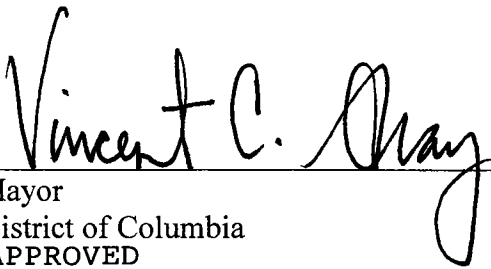
Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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  
July 29, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-391

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 29, 2014

To approve, on an emergency basis, Contract No. GAGA-2013-C-0010 with Teach Plus, Inc., to implement the Teachers Turnaround Teams Initiative, and to authorize payment for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. GAGA-2013-C-0010 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 Contract No. GAGA-2013-C-0010 with Teach Plus, Inc., and authorizes payments in an amounts of \$1,398,187 for goods and services received under the base term and option year one of the contract for the period from June 3, 2013, through June 30, 2014, and \$1,191,873 for goods and services received and to be received for the option year two from July 1, 2014, through June 30, 2015.

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.

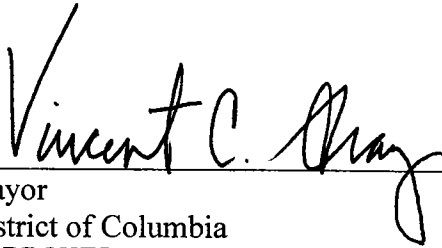
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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  
July 29, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-392

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 29, 2014

To approve, on an emergency basis, Contract No. DCHBX-2014-C-0001 with NFP Health Services Administrators, LLC, to provide premium billing services and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCHBX-2014-C-0001 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 Contract No. DCHBX-2014-C-0001 with NFP Health Services Administrators, LLC to provide premium billing services and authorizes payment in the amount of \$1,500,000 for services received and to be received under the contract.

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.

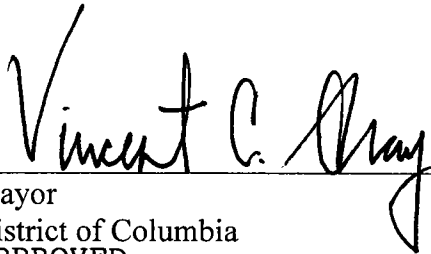
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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  
July 29, 2014

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 20-393

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 29, 2014

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To approve, on an emergency basis, the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001E, including Task Order No. 001, between the District of Columbia government and HRGM Corporation, and to authorize payment to HRGM Corporation in the amount of \$264,774 with a not-to-exceed amount of \$10 million for the goods and services received and to be received under this contract and task order.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001E, including Task Order No. 001, 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(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001E, including Task Order No. 001, with HRGM Corporation, and authorizes payment to HRGM Corporation in the amount of \$264,774 with a not-to-exceed amount of \$10 million for the goods and services received and to be received and under this contract and task 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)).

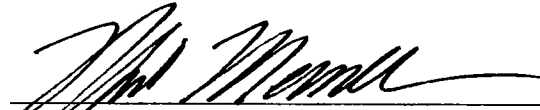
Sec. 4. Effective date.

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 emergency acts of the Council of the District of Columbia in section



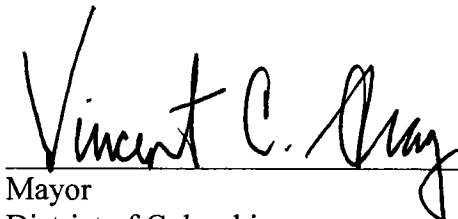
ENROLLED ORIGINAL

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)).



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia  
APPROVED  
July 29, 2014

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 20-394IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JULY 29, 2014

To amend, on an emergency basis, An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to extend the time in which the Mayor may dispose of certain District-owned real property located at 5131 Nannie Helen Burroughs Avenue, N.E., known as the Strand Theater.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Extension of Time to Dispose of the Strand Theater Emergency Amendment Act of 2014”.

Sec. 2. 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), is amended by adding a new subsection (d-6) to read as follows:

“(d-6) Notwithstanding subsection (d) of this section, the time period within which the Mayor may dispose of the property located at 5131 Nannie Helen Burroughs Avenue, N.E., known as the Strand Theater, for which disposition was approved by the Council pursuant to the Strand Theater Disposition Approval Resolution of 2009, effective October 6, 2009 (Res. 18-0263; 56 DCR 8410), and extended by the Strand Theater Disposition Extension Approval Resolution of 2011, effective September 20, 2011 (Res. 19-246; 58 DCR 8477), is extended to October 6, 2015.”.

Sec. 3. Fiscal impact statement.

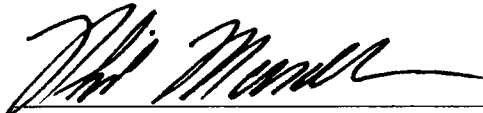
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

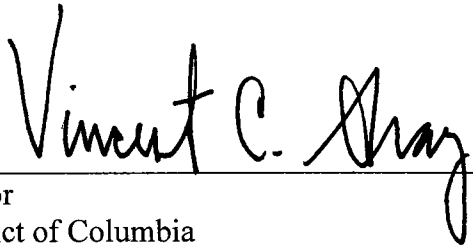
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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  
July 29, 2014

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 20-395

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 29, 2014

To amend, on an emergency basis, due to congressional review, the Health Benefit Exchange Authority Establishment Act of 2011 to provide for the financial sustainability of the Health Benefit Exchange Authority.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Health Benefit Exchange Authority Financial Sustainability Congressional Review Emergency Amendment Act of 2014”.

Sec. 2. The Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-94; D.C. Official Code § 31-3171.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 31-3171.01) is amended as follows:

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

“(3A) “Direct gross receipts” means all policy and membership fees and net premium receipts or consideration received in a calendar year on all health insurance carrier risks originating in or from the District of Columbia.”.

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

“(8C) “Net premium receipts or consideration received” means gross premiums or consideration received less the sum of premiums received for reinsurance assumed and premiums or consideration returned on policies or contracts canceled or not taken.”.

(b) Section 4 (D.C. Official Code § 31-3171.03) is amended by adding a new subsection (f) to read as follows:

“(f)(1) The Authority shall annually assess, through a “Notice of Assessment,” each health carrier doing business in the District with direct gross receipts of \$50,000 or greater in the preceding calendar year an amount based on a percentage of its direct gross receipts for the preceding calendar year. These assessments shall be deposited in the Fund.

“(2) The Authority shall adjust the assessment rate in each assessable year. The amount assessed shall not exceed reasonable projections regarding the amount necessary to support the operations of the Authority.

“(3) Each health carrier shall pay to the Authority the amount stated in the Notice of Assessment within 30 business days of receipt of the Notice of Assessment.

## ENROLLED ORIGINAL

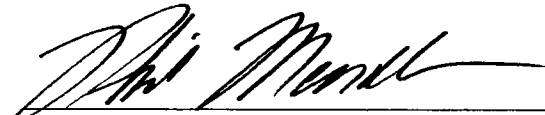
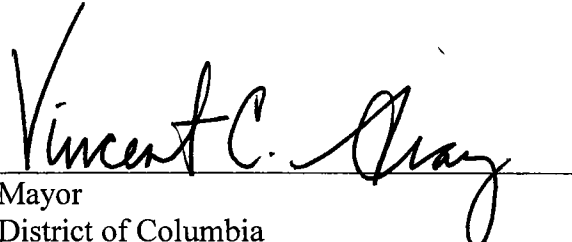
“(4) Any failure to pay the assessment shall subject the health carrier to section 5 of the Insurance Regulatory Trust Fund Act of 1993, effective October 21, 1993 (D.C. Law 10-40; D.C. Official Code § 31-1204).”.

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 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  
July 29, 2014

ENROLLED ORIGINAL

## A RESOLUTION

20-546

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To confirm the reappointment of Ms. Terri Thompson Mallett to the District of Columbia Housing Authority Board of Commissioners.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Housing Authority Board of Commissioners Terri Thompson Mallett Confirmation Resolution of 2014”.

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

Ms. Terri Thompson Mallett  
6904 32<sup>nd</sup> Street, N.W.  
Washington, D.C. 20015  
(Ward 4)

as a public member of the District of Columbia Housing Authority Board of Commissioners, established by section 12 of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-211), for a term to end July 12, 2017.

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

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

20-547

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To confirm the appointment of Ms. Shelore L. Fisher to the District of Columbia Housing Authority Board of Commissioners.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Housing Authority Board of Commissioners Shelore L. Fisher Confirmation Resolution of 2014”.

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

Ms. Shelore L. Fisher  
1722 Frankford Street, S.E.  
Washington, D.C. 20020  
(Ward 8)

as the housing choice voucher program recipient member of the District of Columbia Housing Authority Board of Commissioners, established by section 12 of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-211), for a term to end July 12, 2017.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-548

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To confirm the reappointment of Mr. Luis Antonio Vasquez to the Interagency Council on Homelessness.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Interagency Council on Homelessness Luis Antonio Vasquez Confirmation Resolution of 2014".

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

Mr. Luis Antonio Vasquez  
9039 Sligo Creek Parkway, #505  
Silver Spring, MD 20901

as a Continuum of Care service provider member of the Interagency Council on Homelessness, in accordance with section 4(b)(4) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01(b)(4)), for a term to end 3 years from the date of appointment.

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

Sec. 4. This resolution shall take effect immediately.



ENROLLED ORIGINAL

A RESOLUTION

20-549

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To confirm the reappointment of Ms. Kelly Sweeney McShane to the Interagency Council on Homelessness.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Interagency Council on Homelessness Kelly Sweeney McShane Confirmation Resolution of 2014”.

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

Ms. Kelly Sweeney McShane  
5011 34<sup>th</sup> Street, N.W.  
Washington, D.C. 20008  
(Ward 3)

as a Continuum of Care service provider member of the Interagency Council on Homelessness, in accordance with section 4(b)(4) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01(b)(4)), for a term to end 3 years from the date of appointment.

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

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

20-550

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the existence of an emergency with respect to the need to approve Modification No. 10 to Contract No. CFOPD-08-C-019 with ING Life Insurance and Annuity Company to continue to provide management, administration, investment and trustee services for the District of Columbia's 457 Deferred Compensation Plan to the Office of the Chief Financial Officer, Office of Finance and Treasury, and to authorize payment for the services received and to be received under the contract modification.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modification No. 10 to Contract No. CFOPD-08-C-019 Approval and Payment Authorization Emergency Declaration Resolution of 2014".

Sec. 2. (a) There exists an immediate need to approve Modification No. 10 to Contract No. CFOPD-05-C-019 with ING Life Insurance and Annuity Company to continue to provide management, administration, investment and trustee services for the District of Columbia's 457 Deferred Compensation Plan to the Office of the Chief Financial Officer, Office of Finance and Treasury, and to authorize payment for services received and to be received under the contract modification.

(b) On July 8, 2013, the Contracting Officer executed Modification No. 3, which partially exercised the 1st year of a 2-year option period from July 9, 2013, through October 31, 2013, in the amount of \$925,000. Modification Nos. 4 through 9 partially exercised the option period from November 1, 2013, through June 30, 2014, at no cost.

(c) Proposed Modification No. 10 would partially exercise the 2nd year of the 1st option period from July 1, 2014, through March 1, 2015, in the not-to-exceed amount of \$5,467,617.

(d) Council approval is necessary because this modification increases the contract to more than \$1 million during a 12-month period. Council approval is further necessary to allow the continuation of these vital services and to allow ING Life Insurance and Annuity Company to continue performance under the contract.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification No. 10 to Contract No. CFOPD-08-C-019 Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

**ENROLLED ORIGINAL**

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

20-551

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the existence of an emergency with respect to the need to approve Change Orders Nos. 002 through 004 to Contract No. DCAM-12-CS-0176 between the District of Columbia government and The Whiting-Turner Contracting Company for design-build services for the Barry Farm Recreation Center, and to authorize payment to The Whiting-Turner Contracting Company in the aggregate amount of \$2,242,106 for the goods and services received and to be received under these change orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Change Orders Nos. 002 through 004 to Contract No. DCAM-12-CS-0176 Approval and Payment Authorization Emergency Declaration Resolution of 2014".

Sec. 2.(a) There exists an immediate need to approve Change Orders Nos. 002 through 004 to Contract No. DCAM-12-CS-0176 for design-build services for the Barry Farm Recreation Center in the aggregate amount of \$2,242,106 and to authorize payment for the goods and services received and to be received under these change orders.

(b) The underlying contract was previously approved by the Council (CA20-0078). Change Order No. 001 was also previously approved by the Council (CA20-0267). Thereafter, the Department issued Change Order No. 002 with a value of \$291,175 and Change Order No. 003 with a value of \$661,584. The value of Change Orders Nos. 002 through 003 was less than \$1 million; thus, Change Orders Nos. 002 through 003 did not require Council approval.

(c) Change Order No. 004 in the amount of \$1,289,347 will increase the aggregate value of the change orders to \$2,242,106.

(d) Council approval of Changes Orders No. 002 through 004 is required 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), because the change orders will increase the total expenditure under the contract by an amount in excess of \$1 million during a 12-month period.

(d) Approval of Change Orders Nos. 002 and 004 in the aggregate amount of \$2,242,106 is necessary to compensate The Whiting-Turner Contracting Company for work completed and to be completed pursuant to Change Orders Nos. 002 through 004 to Contract No. DCAM-12-CS-0176 for design-build services at the Barry Farm Recreation Center.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that Change Orders Nos. 002 through 004 to Contract No. DCAM-12-CS-0176 Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

20-552

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the existence of an emergency with respect to the need to approve the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001A, including Task Order No. 001, between the District of Columbia government and Blue Skye Construction, LLC, and to authorize payment to Blue Skye Construction, LLC, in the amount of \$811,554 with a not-to-exceed amount of \$10 million for the goods and services received and to be received under this contract and task order.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001A, including Task Order No. 001, Approval and Payment Authorization Emergency Declaration Resolution of 2014”.

Sec. 2.(a) There exists an immediate need to approve the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001A, including Task Order No. 001, and to authorize payment in the amount of \$811,554 with a not to exceed amount of \$10 million for the goods and services received and to be received under this contract and task order.

(b) Task Order No. 001 was issued pursuant to the Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001A (“Initial Contract”), which was competitively bid and issued with a minimum value of \$50. As the Initial Contract did not authorize any specific work or constitute a guarantee that any work would be assigned to Blue Skye Construction, LLC, no Council approval was required. Task Order No. 001 was then issued for \$811,554, and since the aggregate value of the Initial Contract and Task Order No. 001 was less than \$1 million, no Council approval was required.

(c) Subsequently, the Initial Contract’s terms and conditions were amended and restated, resulting in the issuance of the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects (“Contract”) with an established not-to-exceed value of \$10 million. All future work, if any, under the Contract will be awarded and released through individual project task orders, based on a competitive bidding process, as set

**ENROLLED ORIGINAL**

forth in Section 1.2 of the Contract. Task orders may be issued up to the maximum not-to-exceed amount of \$10 million, which will cause the aggregate value of the Contract and task order to exceed the \$1 million threshold under section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).

(d) Approval of the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001A, including Task Order No. 001, in the amount of \$811,554 with a not-to-exceed amount of \$10 million is necessary to compensate Blue Skye Construction, LLC for work completed and to be completed pursuant to the Contract and task order.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001A, including Task Order No. 001, Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-553

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the existence of an emergency with respect to the need to approve the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001E, including Task Order No. 001, between the District of Columbia government and HRGM Corporation, and to authorize payment to HRGM Corporation in the amount of \$264,774 with a not-to exceed amount of \$10 million for the goods and services received and to be received under this contract and task order.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001E, including Task Order No. 001, Approval and Payment Authorization Emergency Declaration Resolution of 2014”.

Sec. 2. (a) There exists an immediate need to approve the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001E, including Task Order No. 001, and to authorize payment to HRGM Corporation in the amount of \$264,774 with a not to exceed amount of \$10 million for the goods and services received and to be received under this contract and task order.

(b) Task Order No. 001 was issued pursuant to the Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001E (“Initial Contract”), which was competitively bid and issued with a minimum value of \$50. As the Initial Contract did not authorize any specific work or constitute a guarantee that any work would be assigned to HRGM Corporation, no Council approval was required. Task Order No. 001 was then issued for \$264,774, and since the aggregate value of the Initial Contract and Task Order No. 001 was less than \$1 million, no Council approval was required.

(c) Subsequently, the Initial Contract’s terms and conditions were amended and restated, resulting in the issuance of the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001E (“Contract”) with an established not-to-exceed value of \$10 million. All future work, if any, under the Contract will be awarded and released through individual project task orders, based on a competitive bidding process, as set forth in Section 1.2 of the Contract. Task orders may be



**ENROLLED ORIGINAL**

issued up to the maximum not-to-exceed amount of \$10 million, which will cause the aggregate value of the Contract and task order to exceed the \$1 million threshold under section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).

(d) Approval of the Contract, including Task Order No. 001, in the amount of \$264,774 with a not-to-exceed amount of \$10 million is necessary to compensate HRGM Corporation for work completed and to be completed pursuant to the Contract, including Task Order No. 001.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001E, including Task Order No. 001, Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-554

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the existence of an emergency with respect to the need to approve Change Orders Nos. 001 through 003 to Contract No. DCAM-12-CS-0165 between the District of Columbia government and Prince Construction Company/W.M. Schlosser Company, Inc. JV, for the renovation and expansion of the inmate processing center at the DC Central Detention Facility, and to authorize payment to Prince Construction Company/W.M. Schlosser Company, Inc. JV, in the aggregate amount of \$1,794,168 for the goods and services received and to be received under these change orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Change Orders Nos. 001 through 003 to Contract No. DCAM-12-CS-0165 Approval and Payment Authorization Emergency Declaration Resolution of 2014”.

Sec. 2.(a) There exists an immediate need to approve Change Orders Nos. 001 through 003 to Contract No. DCAM-12-CS-0165 for the renovation and expansion of the inmate Processing Center at the DC Central Detention Facility in the aggregate amount of \$1,794,168 and to authorize payment for the goods and services received and to be received under these change orders.

(b) The underlying contract was previously approved by the Council (CA19-0481). Thereafter, the Department issued Change Order No. 001 with a value of \$225,000 and Change Order No. 002 with a value of \$766,068. The value of these Change Orders was less than \$1 million; thus, Change Orders Nos. 001 through 002 did not require Council approval.

(c) Change Order No. 003 will cause the aggregate value of the change orders issued, after Council’s approval of the Contract, to exceed the \$1 million threshold under section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).

(d) Approval of Change Orders Nos. 001 through 003 in the aggregate amount of \$1,794,168 is necessary to compensate Prince Construction Company/W.M. Schlosser Company, Inc. JV, for work completed and to be completed pursuant to Change Orders Nos. 001 through 003 to Contract No. DCAM-12-CS-0165 for the renovation and expansion of the inmate processing center at the DC Central Detention Facility.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that Change Orders Nos. 001 through 003 to Contract No. DCAM-12-CS-0165 Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-555

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the existence of an emergency with respect to the need to approve the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001B, including Task Orders Nos. 001 and 002, between the District of Columbia government and Broughton Construction, LLC, and to authorize payment to Broughton Construction, LLC, in the amount of \$860,873.85 with a not-to-exceed amount of \$10 million, for the goods and services received and to be received under this contract and task orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001B, including Task Orders Nos. 001 and 002, Approval and Payment Authorization Emergency Declaration Resolution of 2014”.

Sec. 2.(a) There exists an immediate need to approve the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001B, including Task Orders Nos. 001 and 002, in the amount of \$860,873.85 with a not-to-exceed amount of \$10 million, and to authorize payment for the goods and services received and to be received under this contract and task orders.

(b) Task Orders Nos. 001 and 002 were issued pursuant to the Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001B (“Initial Contract”), which was competitively bid and issued with a minimum value of \$50. As the Initial Contract did not authorize any specific work or constitute a guarantee that any work would be assigned to Broughton Construction, LLC, no Council approval was required. Thereafter, Task Order No. 001 was issued for \$117,061.31 and Task Order No. 002 was issued for \$743,812.54. Since the aggregate value of the Initial Contract and Task Orders Nos. 001 and 002 was less than \$1 million, no Council approval was required.

(c) Subsequently, the Initial Contract’s terms and conditions were amended and restated, resulting in the issuance of the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001B (“Contract”) with an established not-to-exceed value of \$10 million. All future work, if any,

**ENROLLED ORIGINAL**

under the Contract will be awarded and released through individual project task orders, based on a competitive bidding process, as set forth in Section 1.2 of the Contract. Task orders may be issued up to the maximum not-to-exceed amount of \$10 million, which will cause the aggregate value of the Contract and task orders to exceed the \$1 million threshold under section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).

(d) Approval of the Contract, including Task Orders Nos. 001 and 002, in the amount of \$860,873.85 with a not-to-exceed amount of \$10 million is necessary to compensate Broughton Construction, LLC, for work completed and to be completed pursuant to the Contract, including Task Orders Nos. 001 and 002.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001B, including Task Orders Nos. 001 and 002, Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

20-556

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the existence of an emergency with respect to the need to approve the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001G, including Task Order No. 001, between the District of Columbia government and Paige Industrial Services, Inc., and to authorize payment to Paige Industrial Services, Inc., in the amount of \$680,909.62 with a not-to-exceed amount of \$10 million for the goods and services received and to be received under this contract and task order.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001G, including Task Order No. 001, Approval and Payment Authorization Emergency Declaration Resolution of 2014”.

Sec. 2. (a) There exists an immediate need to approve the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001G, including Task Order No. 001, in the amount of \$680,909.62 with a not-to-exceed amount of \$10 million, and to authorize payment for the goods and services received and to be received under this contract and task order.

(b) Task Order No. 001 was issued pursuant to the Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001G (“Initial Contract”), which was competitively bid and issued with a minimum value of \$50. As the Initial Contract did not authorize any specific work or constitute a guarantee that any work would be assigned to Paige Industrial Services, Inc., no Council approval was required. Task Order No. 001 was then issued for \$680,909.62, and since the aggregate value of the Initial Contract and Task Order No. 001 was less than \$1 million, no Council approval was required.

(c) Subsequently, the Initial Contract’s terms and conditions were amended and restated, resulting in the issuance of the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001G (“Contract”) with an established not-to-exceed value of \$10 million. All future work, if any, under the Contract will be awarded and released through individual project task orders, based on a competitive bidding process, as set forth in Section 1.2 of the Contract. Task orders may be

**ENROLLED ORIGINAL**

issued up to the maximum not-to-exceed amount of \$10 million, which will cause the aggregate value of the Contract and task orders to exceed the \$1 million threshold under section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).

(d) Approval of the Contract, including Task Order No. 001, in the amount of \$680,909.62 with a not-to-exceed amount of \$10 million is necessary to compensate Paige Industrial Services, Inc., for work completed and to be completed pursuant to the Contract and task order.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001G, including Task Order No. 001, Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-557

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the existence of an emergency with respect to the need to approve Change Orders Nos. 002 through 003 to Contract No. DCAM-13-CS-0124 between the District of Columbia government and SKANSKA USA BUILDING, INC., for design-build services for Brookland Middle School, and to authorize payment to SKANSKA USA BUILDING, INC., in the aggregate amount of \$2,230,289 for the goods and services received and to be received under these change orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Change Order Nos. 002 through 003 to Contract No. DCAM-13-CS-0124 Approval and Payment Authorization Emergency Declaration Resolution of 2014”.

Sec. 2.(a) There exists an immediate need to approve Change Orders Nos. 002 through 003 to Contract No. DCAM-13-CS-0124 for design-build services for Brookland Middle School in the aggregate amount of \$2,230,289 and to authorize payment for the goods and services received and to be received under these change orders.

(b) The underlying contract was previously approved by the Council (CA20-0170). Change Order No. 001 was also previously approved by the Council (CA20-0231). Thereafter, the Department issued Change Order No. 002 with a value of \$390,095. The value of this Change Order was less than \$1 million; thus, Change Order No. 002 did not require Council approval.

(c) Change Order No. 003 will cause the aggregate value of Change Orders Nos. 002 and 003 issued after Council’s approval of the contract to exceed the \$1 million threshold under section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).

(d) Approval of Change Orders Nos. 002 and 003 in the aggregate amount of \$2,230,289 is necessary to compensate SKANSKA USA BUILDING, INC., for work completed and to be completed pursuant to Change Orders Nos. 002 through 003 to Contract No. DCAM-13-CS-0124 for design-build services for Brookland Middle School.



**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Change Orders Nos. 002 through 003 to Contract No. DCAM-13-CS-0124 Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-558

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the existence of an emergency with respect to the need to approve 2 modifications to Human Care Agreement No. CFSA-11-H-0097 with God's Anointed New Generation to continue to provide Teen Bridge Program services and to authorize payment for services received and to be received under that agreement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications to Human Care Agreement No. CFSA-11-H-0097 with God's Anointed New Generation Approval and Payment Authorization Emergency Declaration Resolution of 2014".

Sec. 2. (a) There exists a need to approve 2 modifications to Human Care Agreement No. CFSA-11-H-0097 with God's Anointed New Generation to continue to provide Teen Bridge Program services for the short-term placement of youth in a structured environment in preparation for self-sufficiency and transition to a less structured environment and to authorize payment for the services received and to be received under that agreement.

(b) On May 24, 2011, the District awarded to God's Anointed New Generation Human Care Agreement No. CFSA-11-H-0097 for a base year from June 7, 2011, through June 6, 2012.

(c) The first option year for Human Care Agreement No. CFSA-11-H-0097 was from June 7, 2012, through June 6, 2013.

(d) The second option year for Human Care Agreement No. CFSA-11-H-0097 was from June 7, 2013, through June 6, 2014.

(e) On June 5, 2014, by Modification No. 6, the District exercised a partial option for the third option year for the period from June 7, 2014, through August 5, 2014, in the not-to-exceed amount of \$197,506.09.

(f) Through Modification No. 7, the District proposes to continue performance for the period of August 6, 2014, through June 6, 2015, in an amount not to exceed \$1,003,989.11, making the total not-to-exceed amount for option year three \$1,201,495.20.

(g) Council approval is necessary because the value of option year three would increase the option-year-three value to more than \$1 million during a 12-month period.

(h) Approval is necessary to allow the continuation of these vital services. Without this approval, God's Anointed New Generation cannot be paid for services provided in excess of \$1 million.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Human Care Agreement No. CFSA-11-H-0097 with God's Anointed New Generation Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

20-559

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the existence of an emergency with respect to the need to approve Contract No. PO-GF-2014-P-0001-DJ, including a modification, between the University of the District of Columbia and Human Circuit, Inc., for the high definition upgrade of Cable TV 98 and to authorize payment for the services received and to be received under the contract and modification.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “University of the District of Columbia Contract No. PO-GF-2014-P-0001-DJ, Including a Modification, for the High Definition Upgrade of Cable TV 98 Approval and Payment Authorization Emergency Declaration Resolution of 2014”.

Sec. 2. (a) There exists an immediate need to approve Contract No. PO-GF-2014-P-0001-DJ, including a modification, with Human Circuit, Inc., for the high definition upgrade of Cable TV 98, and to authorize payment for the services received and to be received under the contract and modification.

(b) This proposed modification of \$72, 832.52 was occasioned by a snow storm in January 2014 which caused a power outage and damaged the University’s file server system. The modification and upgrade to the automated back-up system increases the base contract above \$1 million. This back-up file server system provides programming services to 187,000 DC cable subscribers.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the University of the District of Columbia Contract No. PO-GF-2014-P-0001-DJ, Including a Modification, for the High Definition Upgrade of Cable TV 98 Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Ste. G-6 Washington, DC 20004

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*REVISED*

**COUNCILMEMBER VINCENT B. ORANGE, SR.  
ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE OF THE  
COMMITTEE ON BUSINESS, CONSUMER, AND REGULATORY  
AFFAIRS**

**Review of District Agencies' Compliance with Small Business Enterprise  
Expenditure Goals**

**Thursday, December 11, 2014, 9:00 am  
John A. Wilson Building, Room 500  
1350 Pennsylvania Ave., NW  
Washington, D.C. 20004**

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Councilmember Vincent B. Orange, Sr. announces the scheduling of a public oversight roundtable of the Committee on Business, Consumer, and Regulatory Affairs to review District government agencies' compliance with fiscal years 2013 and 2014 small business enterprise (SBEs) expenditure goals and to examine agencies' plans for complying with SBE utilization requirements in FY 2015. The public oversight roundtable is scheduled for Thursday, December 11, 2014, at 9:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW. The original notice indicated that the roundtable was scheduled for Wednesday, December 11, 2014. *The notice is being revised to correct the meeting date to Thursday, December 11, 2014.*

The purpose of the public oversight roundtable is to hear from the Department of Small and Local Business Development, the Office of the District of Columbia Auditor, and appropriate District government agencies on compliance with SBE utilization requirements.

Individuals and representatives of organizations who wish to testify at the public oversight roundtable are asked to contact Ms. Faye Caldwell of the Committee on Business, Consumer, and Regulatory Affairs at (202) 727-6683 or by email at [fcaldwell@dccouncil.us](mailto:fcaldwell@dccouncil.us). Witnesses are asked to furnish their names, addresses, telephone number, email address, and organizational affiliation, if any, by the close of business, Thursday, December 4, 2014. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the roundtable, written statements are encouraged and will be made part of the official record. The official record will remain open until the close of business of Thursday, December 26, 2014. Copies of written statements should be submitted to the

Committee on Business, Consumer, and Regulatory Affairs, Council of the District of Columbia, Suite G-6, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

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

Posting Date: August 8, 2014  
Petition Date: September 22, 2014  
Hearing Date: October 6, 2014  
Protest Date: December 3, 2014

License No.: ABRA-096224  
Licensee: Ima Pizza Store, LLC  
Trade Name: & Pizza  
License Class: Retail Class "C" Restaurant  
Address: 1400 K Street, NW  
Contact: Paul L. Pascal (202) 544-2200

WARD 2

ANC 2F

SMD 2F05

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 December 3, 2014 4:30pm.

**NATURE OF OPERATION**

To prepare and sell pizza and prepared pizzeria food products. Recorded music. Seating capacity is 42 and total occupancy load is 63.

**HOURS OF OPERATION**

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

**HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE & CONSUMPTION**

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS  
CALENDAR

WEDNESDAY, AUGUST 13, 2014  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S  
WASHINGTON, D.C. 20009

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

- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 14-CC-00009;** Bakhtar Group, Inc., t/a Malmaison, 3401 K Street NW  
License #85367, Retailer CR  
**No ABC Manager on Duty**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 14-CC-00026;** Kimberly, Inc., t/a Mr. Smith's, 3104 M Street NW  
License #864, Retailer CR  
**Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal  
Drinking Age, Interfered with an Investigation**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 13-CMP-00583;** Langston Bar & Grille, LLC, t/a Langston Bar & Grille  
1831 Benning Road NE, License #76260, Retailer CR  
**Failed to File Quarterly Statements (2nd Quarter 2013)**
- Summary Suspension (Status)** **9:30 AM**  
**Case # 14-251-00192;** Arm, LLC, t/a Lux, 649 New York Ave NW, License  
#71743, Retailer CN  
**Follow-up To Summary Suspension Hearing on July 11, 2014**
- Fact Finding Hearing** **9:30 AM**  
American Arab Communication & Translation Center, LLC, t/a Zenobia Lounge  
1025 31st Street NW, License #85003, Retailer CR  
**Request to Place License in Safekeeping**
- Fact Finding Hearing\*** **9:30 AM**  
Michael Cherner; 2348 18<sup>th</sup> Street, LLC, t/a Bourbon, 2348 Wisconsin Ave, NW  
License No. 60605  
**One Day Substantial Change Applications (Taste of Georgetown)**  
**Date of Event: September 13, 2014** 10,000 attendees



August 13, 2014

**Fact Finding Hearing\*** **9:30 AM**

**Case # 14-251-00129;** TGR, Inc., t/a Look, 1909 K Street NW, License #77812  
Retailer CR

**Multiple Assaults Outside of the Establishment**

**Show Cause Hearing\*** **10:00 AM**

**Case # 13-CMP-00258;** Café Europa, Inc., t/a Panache, 1725 Desales Street  
NW, License #60754, Retailer CR

**No ABC Manager on Duty**

**Public Hearing** **11:00 AM**

MPD Reimbursable Detail Rulemaking

**BOARD RECESS AT 12:00 PM**

**ADMINISTRATIVE AGENDA**

**1:00 PM**

**Protest Hearing\*** **1:30 PM**

**Case # 14-PRO-00025;** Yfe, Inc., t/a 18th Street Lounge, 1212 18th Street NW  
License #21211, Retailer CT

**Application to Renew the License-(Re-Placard)**

*This Hearing has been continued to September 24, 2014 at 1:30 pm.*

**Protest Hearing\*** **1:30 PM**

**Case # 14-PRO-00038;** The VIP Room, LLC, t/a The VIP, 6201 3rd Street  
NW, License #94561, Retailer CT

**Application for a New License**

**Protest Hearing\*** **4:30 PM**

**Case # 14-PRO-00044;** Big Chair Café, LLC, t/a Big Chair Coffee & Grill  
2122 Martin Luther King, Jr. Ave SE, License #85903, Retailer CR

**Substantial Change (Entertainment Endorsement and Summer Garden)**

**Protest Hearing\*** **4:30 PM**

**Case # 14-PRO-00041;** Mythology, LLC, t/a Mythology & Lore, 816 H Street  
NE, License #95033, Retailer CT

**Application for a New License**

*This hearing is cancelled due to the submission of a Settlement Agreement  
for the Board's consideration and approval.*

**\*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: August 8, 2014  
Petition Date: September 22, 2014  
Roll Call Hearing Date: October 6, 2014  
Protest Hearing Date: December 3, 2014

License No.: ABRA-096150  
Licensee: 1832 NW LLC  
Trade Name: Art Soiree House  
License Class: Retailer's Class "C" Multi-Purpose Facility  
Address: 1832 14<sup>th</sup> Street NW  
Contact: Carlos Saenz, 301-806-7419

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 on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for December 3, 2014 4:30pm.

**NATURE OF OPERATION**

Multi-Purpose Facility with Arts, Photo exhibits, Jazz and Piano music. Light snacks will be provided such as hummus, pita bread and light hors d'oeuvres.

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

Sunday 6pm-11pm, Monday closed, Tuesday and Wednesday 6pm-12am, Thursday 6pm-1am, Friday and Saturday 6pm-2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
8/8/2014

Notice is hereby given that:

License Number: ABRA-088102

License Class/Type: C Restaurant

Applicant: Chicken Tortilla, Inc.

Trade Name: OCOPA

ANC: 6A06

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

**1324 H ST NE, WASHINGTON, DC 20002**

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

**9/22/2014**

HEARING WILL BE HELD ON

**10/6/2014**

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

ENDORSEMENTS:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 2 am	11 am - 1:30 am	-
Monday:	8 am - 2 am	11 am - 1:30 am	-
Tuesday:	8 am - 2 am	11 am - 1:30 am	-
Wednesday:	8 am - 2 am	11 am - 1:30 am	-
Thursday:	8 am - 2 am	11 am - 1:30 am	-
Friday:	8 am - 2 am	11 am - 1:30 am	-
Saturday:	8 am - 2 am	11 am - 1:30 am	-

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
8/8/2014**

Notice is hereby given that:

License Number: ABRA-088675

License Class/Type: C Restaurant

Applicant: R - S, INC

Trade Name: Kitty's Saloon

ANC:6A01

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

**1208 H ST NE, WASHINGTON, DC 20002**

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

**9/22/2014**

HEARING WILL BE HELD ON

**10/6/2014**

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

**ENDORSEMENTS:**

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

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Posting Date: August 8, 2014  
Petition Date: September 22, 2014  
Roll Call Hearing Date: October 6, 2014

License No.: ABRA-094290  
Licensee: Hilltop Hospitality, LLC  
Trade Name: Mission  
License Class: Retailer’s Class “C” Restaurant  
Address: 1606 20<sup>th</sup> Street, NW  
Contact: Francis B. Brogan: 202-257-9414/202-525-2010

WARD 2                      ANC 2B                      SMD 2B02

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

**NATURE OF SUBSTANTIAL CHANGE**

Requesting change of operation and sale hours on Sidewalk Cafe.

**APPROVED HOURS OF OPERATION**

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

**APPROVED HOURS OF ALCOHOLIC BEVERAGE SALES AND CONSUMPTION**

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

**REQUESTED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES AND CONSUMPTION ON SIDEWALK CAFE**

Sunday–Thursday 10am-2am, Friday and Saturday: 10am-3am

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

**CORRECTION\*\***

Posting Date: August 1, 2014  
Petition Date: September 15, 2014  
Roll Call Hearing Date: September 29, 2014  
Protest Hearing Date: November 19, 2014

License No.: ABRA-096102  
Licensee: MYIA, LLC  
Trade Name: TO BE DETERMINED  
License Class: Retailer's Class "C" RESTAURANT  
Address: 1419 Wisconsin Avenue, NW  
Contact: ANDREW KLINE: 202-686-7600

WARD 2

ANC 2E

SMD 2E03

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 14<sup>th</sup> Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on November 19, 2014 at 4:30 pm.

**THIS IS A TRANSFER TO NEW LOCATION:****FROM: 1010 WISCONSIN AVENUE, NW****TO: 1419 WISCONSIN AVENUE, NW****NATURE OF OPERATION \*\***

Restaurant specializing in brick oven pizza. No entertainment. No dancing. No nude performances. Occupancy Load 75.

**HOURS OF OPERATION**

Sunday through Thursday: 9am-2am, Friday and Saturday: 9am-3am

**HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION**

Sunday through Thursday: 9am-2am, Friday and Saturday: 9am-3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 8, 2014
Petition Date: September 22, 2014
Roll Call Hearing Date: October 6, 2014
Protest Hearing Date: December 3, 2014

License No.: ABRA-095880
Licensee: New Seven Market, Inc.
Trade Name: New Seven Market
License Class: Retailer's Class "B
Address: 1406 Good Hope Road SE
Contact: Paul L. Pascal, Esq. 202-544-2200

WARD 8 ANC 8A SMD 8A05

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 December 3, 2014 at 1:30pm.

NATURE OF OPERATION

New grocery store. Twenty-five percent of sales will be beer and wine and seventy-five percent of sales will be grocery items.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES

Sunday through Saturday, 7am-12am

## DEPARTMENT OF GENERAL SERVICES

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

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

- Property:** Square 1088, Lot 0802 (Eastern Branch Boys and Girls Club) (Vacant 3 Story Brick Structure with Basement) located at 261 17th Street, SE.
- Date:** September 16, 2014
- Time:** 6:30 p.m.
- Location:** Payne Elementary School  
1445 C Street SE  
Washington, DC 20003
- Contact:** Michelle J. Chin, City Planner  
Department of General Services  
202-645-5011 or [Michelle.Chin@dc.gov](mailto:Michelle.Chin@dc.gov)



**DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD****NOTIFICATION OF SCHOOL RELOCATION**

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice, dated Tuesday, August 5<sup>th</sup>, 2014, of Shining Stars Public Charter School’s intent to relocate from 1328 Florida Ave, NW to 2461 Wisconsin Ave, NW. PCSB will hold a public hearing and vote regarding this matter during the August 18<sup>th</sup>, 2014 regularly scheduled board meeting at 7:30pm at PCSB offices located at 3333 14<sup>th</sup> Street NW, Suite 210, Washington, DC 20010. Please contact Laterica Quinn, Equity and Fidelity Specialist at 202-328-2660 with any questions. To submit public comment, please contact 202-328-2660 or email [public.comment@dcpsb.org](mailto:public.comment@dcpsb.org).

**BOARD OF ZONING ADJUSTMENT  
\*REVISED PUBLIC HEARING NOTICE**

**TUESDAY, SEPTEMBER 16, 2014**

**441 4<sup>TH</sup> STREET, N.W.**

**JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

**\*Note:** This notice was revised to include Application No. 18794 on the agenda,  
and to note the withdrawal of Appeal No. 18618.

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

**TIME: 9:30 A.M.**

**WARD ONE**

18814            **Application of 2341 Ontario Road, LLC**, pursuant to 11 DCMR §§  
ANC-1C            1403.1 and 3104.1, for special exceptions from zoning boundary crossing  
a lot provisions under subsection 2514.2, and roof structure provisions  
under subsection 411.11, to allow the construction of a new twenty (20)  
unit apartment house in the RC/R-5-B and RC/C-2-B Districts at 2341  
Ontario Road, N.W. (Square 2566, Lot 841).

**WARD TWO**

18815            **Application of Amanda Bennett and Donald Graham**, pursuant to 11  
ANC-2B            DCMR § 3103.2, for variances from the floor area ratio (section 402), lot  
occupancy (section 403), rear yard (section 404) and nonconforming  
structure (subsection 2001.3) requirements to allow a rear deck addition to  
a one-family row dwelling in the R-5-B District at premises 2028 Hillyer  
Place, N.W. (Square 93, Lot 92).

**WARD THREE**

18816            **Application of Lawrence Hirsh and Joan Melner**, pursuant to 11  
ANC-3C            DCMR § 3104.1, for a special exception to allow an accessory basement  
apartment within an existing one-family semi-detached dwelling under  
subsection 202.10, in the R-1-B District at premises 3307 Cleveland  
Avenue, N.W. (Square 2101, Lot 46).

**WARD TWO**

18817            **Application of Teymour Zabihi**, pursuant to 11 DCMR § 3104.1, for a  
ANC-2F            special exception from the rear yard requirements under subsection 774.2,

BZA PUBLIC HEARING NOTICE  
 SEPTEMBER 16, 2014  
 PAGE NO. 2

for a mixed use development in the ARTS/C-3-A District at premises 1738 14<sup>th</sup> Street, N.W. (Square 207, Lot 69).

**WARD FOUR**

18819            **Application of Neighborhood Development Company**, pursuant to 11  
 ANC-4C            DCMR §§ 3104.1 and 3103.2, for a variance from the off-street parking  
                          requirements under subsection 2101.1, and a special exception from the  
                          roof structure requirements under subsections 411.11 and 770.6 to allow  
                          the construction of a new 20 unit multifamily residential building in the  
                          C-2-A District at premises 4308 - 4310 Georgia Avenue, N.W. (Square  
                          2914, Lot 802).

**WARD SIX**

**THIS APPLICATION WAS POSTPONED FROM THE PUBLIC HEARING OF  
 JULY 15, 2014 AT THE APPLICANT'S REQUEST:**

18794            **Application of Newton St Development 3 LLC**, pursuant to 11 DCMR  
 ANC-6E            § 3103.2, for a variance from the lot area requirements under subsection  
                          401.3, a variance from the nonconforming structure provisions under  
                          subsection 2001.3, and a variance from the off-street parking requirements  
                          under subsection 2101.1, to allow the renovation and conversion of an  
                          existing vacant building into an eight (8) unit apartment building in the R-4  
                          District at premises 1740 New Jersey Avenue, N.W. (Square 508, Lot 9).

**THE FOLLOWING WILL NOT BE HEARD TODAY:**

**WARD FOUR**

**THIS APPEAL HAS BEEN WITHDRAWN.  
 (THIS APPEAL WAS POSTPONED FROM THE SEPTEMBER 24, 2013,  
 NOVEMBER 5, 2013, AND APRIL 29, 2014, PUBLIC HEARING SESSIONS)**

18618            **Appeal of Ginia L. Avery, et. al.**, pursuant to 11 DCMR §§ 3100 and  
 ANC-4B            3101, from a decision by the Department of Consumer and Regulatory  
                          Affairs, to issue a building permit (#B1202925, dated April 9, 2013)  
                          allowing the construction of a retail (Walmart) store in the C-3-A District  
                          at premises 5929 Georgia Avenue, N.W. (Square 2986, Lot 38).

**PLEASE NOTE:**

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

BZA PUBLIC HEARING NOTICE  
SEPTEMBER 16, 2014  
PAGE NO. 3

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

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

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

**LLOYD J. JORDAN, CHAIRMAN  
S. KATHRYN ALLEN, VICE CHAIRPERSON  
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**

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

**TIME AND PLACE:** **Monday, October 27, 2014, @ 6:30 P.M.**  
**Jerrily R. Kress Memorial Hearing Room**  
**441 4<sup>th</sup> Street, N.W., Suite 220**  
**Washington, D.C. 20001**

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

**Z.C. Case No. 14-08 (Portner Place, LLC - Consolidated PUD and Related Map Amendment @ Square 204, Lot 208)**

**THIS CASE IS OF INTEREST TO ANC 1B**

On May 23, 2014, the Office of Zoning received an application from Portner Place, LLC (the "Applicant") requesting approval of a consolidated planned unit development ("PUD") and related zoning map amendment from the R-5-B Zone District to the R-5-D and CR Zone Districts for property located at 1441-1449 U Street, N.W. (Square 204, Lot 208) (the "Property"). The Office of Planning submitted a report to the Zoning Commission, dated June 20, 2014. At its June 30, 2014, public meeting, the Zoning Commission voted to set the application down for a public hearing. The Applicant provided its prehearing statement on July 18, 2014.

The Property that is the subject of this application is a through-lot with a total land area of approximately 47,170 square feet, with approximately 201 linear feet of frontage on U Street and approximately 131 linear feet of frontage on V Street. Square 204 is located in the northwest quadrant of the District and is bounded by V Street to the north, 14<sup>th</sup> Street to the east, U Street to the south, and 15<sup>th</sup> Street to the west. The Property is located in Ward 1 and within the boundaries of Advisory Neighborhood Commission ("ANC") 1B.

The Property is currently improved with the Portner Place Apartments, a 48-unit HUD Section 8 housing complex that is comprised of three garden apartment style buildings. The Applicant proposes to raze the existing buildings in connection with redevelopment of the Property. The Applicant will offer temporary housing to all current residents, and will offer all current residents the opportunity to move back into the new building once completed.

The new building will be divided into two sections: the northern portion fronting on V Street ("Wing A") is proposed be rezoned to the R-5-D Zone District, and the southern portion fronting on U Street ("Wing B") is proposed to be rezoned to the CR Zone District. As proposed, Wing A will have an FAR of 4.10, and will include approximately 91,012 square feet of residential uses on the first through eighth floors, including a ground floor community space, computer room, exercise room, management office, and residential lobby, a second-floor laundry facility, and roof top uses. Wing A will be comprised of approximately 96 dwelling units and will be

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constructed to a maximum height of approximately 75 feet, eight inches to the main roof with a three foot, six inch parapet.

As proposed, the southern portion of the PUD Site fronting on U Street ("Wing B") will have an FAR of 7.52 and will include a total of approximately 230,917 square feet of gross floor area, which will include approximately 221,197 square feet of residential uses on the 1<sup>st</sup> through 11<sup>th</sup> floors, comprised of approximately 270 residential units, plus a ground floor fitness room, yoga/cross-training studio, club room, sales/service offices, and lobby space. Wing B will also have approximately 9,720 square feet of gross floor area devoted to retail uses on the ground floor, plus an additional 5,060 square feet of retail on the P2 level. If approved, Wing B will be constructed to a maximum height of approximately 105 feet, eight inches to the main roof with a two foot, four inch parapet.

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

**How to participate as a witness.**

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

**How to participate as a party.**

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3022.3.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations. 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](mailto: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.

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**If an affected Advisory Neighborhood Commission (ANC) intends to participate at the hearing, the ANC shall submit the written report described in § 3012.5 no later than seven (7) days before the date of the hearing. The report shall contain the information indicated in § 3012.5 (a) through (i).**

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](mailto: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. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to [zsubmissions@dc.gov](mailto:zsubmissions@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.**

## DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance, pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2012 Repl.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)) hereby gives notice of the adoption of a new Chapter 71 entitled, “Medicaid Reimbursement for Early Intervention Services” of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These rules set forth standards governing Medicaid reimbursement for Part C Early Intervention Services administered by the Office of the State Superintendent of Education (OSSE). In accordance with the Individuals with Disabilities Education Act (IDEA), approved April 13, 1970 (84 Stat.175; 20 U.S.C. §§ 1400 *et seq.*), these rules set forth the conditions of Medicaid reimbursement for Early Intervention services provided to eligible beneficiaries by OSSE.

A Medicaid beneficiary, from birth to age two (2), with an Individualized Family Service Plan is eligible to receive Early Intervention services. Medicaid reimbursement for Early Intervention services shall be available for Medicaid beneficiaries who have been assessed and found to have a fifty percent (50%) developmental delay in one, or a twenty-five percent (25%) developmental delay in two (2) or more of the following areas: cognitive development; physical development; communication development; social or emotional development; and/or adaptive development. Effective July 1, 2014, Medicaid reimbursement for the continuation of Early Intervention services is available for beneficiaries’ ages three (3) until the beginning of the school year following the child’s fourth (4<sup>th</sup>) birthday. Medicaid reimbursement for the continuation of Early Intervention services shall not be provided beyond the age at which the child actually enters, or is eligible under District of Columbia law to enter kindergarten or elementary school.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on June 28, 2013 at 60 DCR 009742. A Notice of Emergency and Second Proposed Rulemaking was published in the *D.C. Register* on May 30, 2014 at 61 DCR 005531. No comments were received. No substantive changes have been made. The Director adopted these rules as final on July 28, 2014 and they shall become effective on the date of publication of this notice in the *D.C. Register*.

**Title 29 (Public Welfare) of the DCMR is amended as follows:**

**Add a new Chapter 71, MEDICAID REIMBURSEMENT FOR EARLY INTERVENTION SERVICES, to read as follows:**

**7100 EARLY INTERVENTION SERVICES: GENERAL AND SPECIFIC STANDARDS**



- 7100.1 Early Intervention (EI) services are specialized habilitative and rehabilitative services designed to promote the optimal development of infants and toddlers, aged birth to three, who have a delay in one or more areas of development. EI services are required under Part C of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. §§ 1400 *et seq.*).
- 7100.2 The Office of the State Superintendent of Education (OSSE) is the Lead Agency responsible for administering EI services to eligible infants and toddlers in the District of Columbia under Part C of the IDEA. The Department of Health Care Finance (DHCF) is the single state agency responsible for administering the Medicaid program under Title XIX of the Social Security Act (42 U.S.C. § 1396).
- 7100.3 DHCF will reimburse the Lead Agency for EI services provided to Medicaid beneficiaries in accordance with the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefit and the requirements set forth in these rules.
- 7100.4 The Lead Agency shall be the qualified Medicaid enrolled provider for EI services and shall ensure the following:
- (a) A multidisciplinary evaluation and assessment of the child's level of functioning as described in 34 C.F.R. § 303.371, in the following developmental areas:
    - (1) Cognitive development;
    - (2) Physical development, including vision, and hearing;
    - (3) Communication development;
    - (4) Social or emotional development; and
    - (5) Adaptive development.
  - (b) Consultation with the child's parent, authorized caregiver, or other service provider;
  - (c) Evaluation of the family's capacity to meet the developmental needs of the child;
  - (d) Development, review and evaluation of the child's Individualized Family Service Plan (IFSP) as described in 34 C.F.R §§ 303.342-303.344, which shall include initial and subsequent plans of care, assessments for services, IFSP team orders, medical conditions, functional losses, other pertinent documentation of the beneficiary's progress or lack of progress, and treatment goals and services provided in order to demonstrate that EI Services are reasonable and necessary;

- (e) Service coordination as described in 34 C.F.R. § 303.34;
- (f) Receipt of contact information for the child and their parent or other authorized caregiver;
- (g) Completion of screenings pursuant to the Criminal Background Checks for the Protection of Children Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code §§ 4-1501.01 *et seq.*) and, if applicable, shall comply with any background check requirements established by the Department of Health Care Finance (DHCF) and/or the Lead Agency;
- (h) On-site inspections to be conducted by the Centers for Medicare and Medicaid Services (CMS) and DHCF to determine provider compliance with all applicable laws; and
- (i) Maintenance of documentation for at least ten (10) years from service initiation.

7100.5

DHCF will reimburse the Lead Agency for EI services provided to eligible Medicaid beneficiaries who are enrolled in the fee-for-service program, and have been assessed, pursuant to § 7100.4(a), and found to meet one (1) or more of the following requirements:

- (a) Has a fifty-percent (50%) developmental delay in one (1) or more of the following areas:
  - (1) Cognitive development;
  - (2) Physical development, including vision and hearing;
  - (3) Communication development;
  - (4) Social or emotional development; or
  - (5) Adaptive development;
- (b) Has a diagnosed physical or mental condition that has a high probability of resulting in a significant developmental delay; or
- (c) Has a twenty-five percent (25%) developmental delay in two (2) or more of the following areas:
  - (1) Cognitive development;
  - (2) Physical development, including vision and hearing;

- (3) Communication development;
- (4) Social or emotional development; or
- (5) Adaptive development.

- 7100.6 Transportation services for EI services shall be provided in accordance with the contract between DHCF and the District's Medicaid Non-Emergency Transportation Broker.
- 7100.7 Beginning on July 1, 2014, and in accordance with 34 C.F.R. § 303.211, Medicaid reimbursement for children who are eligible for preschool services under § 619 of Part B of IDEA (20 U.S.C. § 1419) and previously receiving EI services may continue after a child turns three (3) until the beginning of the school year following the child's fourth (4<sup>th</sup>) birthday.
- 7100.8 The continuation of Medicaid reimbursement for EI services under Part C of IDEA for eligible children with disabilities is available from age three (3) until the first year for which the child enters or is eligible under District of Columbia law to enter pre-kindergarten or elementary school. The continuation of EI services shall not be provided beyond the age at which the child actually enters, or is eligible under District of Columbia law to enter pre-kindergarten or elementary school.
- 7100.9 Medical and health services shall be reimbursed by DHCF under the authority of the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) services benefit subject to any requirements set forth in the State Plan, implementing rules, and any subsequent amendments thereto.
- 7100.10 EI Services that are eligible for Medicaid reimbursement shall include the following:
- (a) Assistive technology devices and services as described in 34 C.F.R. § 303.13(b)(1);
  - (b) Audiology services as described in 34 C.F.R. § 303.13(b)(2);
  - (c) Developmental therapy, also known as Special Instruction as described in 34 C.F.R. § 303.13(b)(14);
  - (d) Nursing services as described in 34 C.F.R. § 303.13(b)(6);
  - (e) Nutrition services as described in 34 C.F.R. § 303.13(b)(7);
  - (f) Occupational therapy as described in 34 C.F.R. § 303.13(b)(8);

- (g) Physical therapy as described in 34 C.F.R. § 303.13(b)(9);
- (h) Psychological services as described in 34 C.F.R. § 303.13(b)(10);
- (i) Social work services as described in 34 C.F.R. § 303.13(b)(13);
- (j) Speech-language pathology as described in 34 C.F.R. § 303.13(b)(15); and
- (k) Vision services as described in 34 C.F.R. § 303.13(b)(17).

7100.11 In accordance with 20 USC § 1432(4)(G), to the maximum extent appropriate, EI services shall be provided in natural environments, including the home and community settings in which children without disabilities participate.

## **7101 ASSISTIVE TECHNOLOGY**

7104.1 Medicaid reimbursable assistive technology devices shall be:

- (a) Authorized through DHCF or its designee;
- (b) Deemed medically necessary; and
- (c) Included in the child's IFSP.

7104.2 Medicaid reimbursable assistive technology services shall directly assist the child and shall include the following:

- (a) Selecting, designing, fitting, customizing, adapting, applying, maintaining, or replacing assistive technology devices;
- (b) Training or technical assistance for a child or, if appropriate, that child's family; and
- (c) Training or technical assistance for professionals or other individuals who are otherwise substantially involved in the major life functions of the child.

7104.3 Medicaid reimbursement for assistive technology devices shall be made according to the District of Columbia Medicaid fee schedule available online at: <http://www.dc-medicaid.com>.

## **7102 AUDIOLOGY SERVICES**

7102.1 In accordance with 42 C.F.R § 440.110(c)(3), Medicaid reimbursable audiology services shall be provided by an audiologist. Each audiologist shall also comply with the requirements set forth in the District of Columbia Health Occupations

Revision Act of 1985, effective March 25, 1986, as amended (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*), implementing rules, and any subsequent amendments thereto.

- 7102.2 Each audiologist who provides Medicaid reimbursable EI Services shall also be certified by the Lead Agency in accordance with 5-E DCMR § 1663.
- 7102.3 Each audiologist who provides Medicaid reimbursable EI Services shall undergo an annual purified protein derivative (PPD) skin test to confirm that he or she is free from tuberculosis.
- 7102.4 Medicaid reimbursable audiology services shall include the following:
- (a) Identification of auditory impairment, using at risk criteria and appropriate audiological screening techniques;
  - (b) Determination of the range, nature, and degree of hearing loss and communication functions, by use of audiological evaluation procedures;
  - (c) Provision of auditory training, including, but not limited to:
    - (1) Language habilitation;
    - (2) Speech reading (lip-reading);
    - (3) Cued language services; and
    - (4) Listening device orientation, training, and other services.
  - (d) Evaluation, selection, fit and dispensation of hearing assistive technology devices, including hearing aids, dispensing appropriate listening and vibrotactile devices, and evaluating the effectiveness of those devices; and
  - (e) Referral for medical and other services necessary for the habilitation or rehabilitation of an infant or toddler with an auditory impairment.
  - (f) Provision of services for the prevention of hearing loss.

### **7103 DEVELOPMENTAL THERAPY SERVICES**

- 7103.1 Providers of Medicaid reimbursable developmental therapy services, also known as Special Instruction, shall meet one (1) or more of the following requirements:
- (a) Have a Teaching Endorsement in Early Childhood Education (ECE) or Special Education;

- (b) Have a bachelor's degree in Early Childhood Development, Early Childhood Education, Early Childhood Special Education, Special Education, or a related health, human service, or education field with one (1) year of direct experience with children from birth to age three (3); or
- (c) Be a licensed occupational therapist, physical therapist, or qualified speech pathologist subject to the requirements set forth in §§ 7107.1, 7108, and 7111, with one (1) year of direct experience with children age three (3) and under.

7103.2 Licensed occupational therapists, physical therapists, or qualified speech pathologists providing Medicaid reimbursable developmental therapy services shall comply with the requirements set forth in § 7103.1 and shall have documented completion of at least three (3) semester hours or thirty (30) continuing education units (CEU) in the following EI core knowledge content areas:

- (a) The development of young children;
- (b) Typical and atypical child development;
- (c) Working with families of young children with disabilities; and
- (d) Intervention strategies for young children with special needs.

7103.3 Applied Behavioral Analysis (ABA) therapy shall be provided by a provider with the credentialing requirements set forth in §§ 7103.1 and 7103.2 and shall also be certified as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board.

7103.4 Medicaid reimbursable developmental therapy services shall include the following:

- (a) Assistance with developing and/or enhancing social and adaptive skills to enable the child to attain maximum functional level;
- (b) Assistance with acquisition, retention, and/or improvement of skills related to activities of daily living, such as feeding, dressing, communicating with caregivers, and the social and adaptive skills to enable the child to reside in his/her home or non-institutional community setting;
- (c) Individual, group, or family therapy with the parents, other family members, or authorized caregivers;

(d) Family training, education, and support provided to assist the family of the child in understanding the special needs of the child as related to enhancing their skill development; and

(e) ABA for children suspected to have Autism Spectrum Disorders (ASD).

#### **7104 NURSING SERVICES**

7104.1 In accordance with 42 C.F.R. § 440.60(a), Medicaid reimbursable nursing services shall be provided by a registered nurse (RN). Each RN shall comply with the requirements set forth in the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.*), implementing rules, and any subsequent amendments thereto.

7104.2 Each RN providing Medicaid reimbursable nursing services shall:

(a) Be certified by the Lead Agency in accordance with 5-E DCMR § 1660; and

(b) Undergo an annual purified protein derivative (PPD) skin test to confirm that he or she is free from tuberculosis.

7104.3 Medicaid reimbursable nursing services provided within the scope of EI services and as described under the child's IFSP shall include the following:

(a) The assessment of health status for the purpose of providing nursing care, including the identification of patterns of human response to actual or potential health problems;

(b) The provision of nursing care to prevent health problems, restore or improve functioning, and promote optimal health and development; and

(c) The administration of medications, treatments, and regimens prescribed by a licensed physician.

#### **7105 NUTRITION SERVICES**

7105.1 In accordance with 42 C.F.R. § 440.60(a), Medicaid reimbursable nutrition services shall be provided by a dietician or nutritionist. Each dietician or nutritionist shall also comply with the requirements set forth in the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986, as amended (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.*), implementing rules, and any subsequent amendments thereto.

- 7105.2 Each dietician or nutritionist providing Medicaid reimbursable EI services shall undergo an annual purified protein derivative (PPD) skin test to confirm that he or she is free from tuberculosis.
- 7105.3 Medicaid reimbursable nutrition services shall include the following:
- (a) Individual assessments, which shall include:
    - (1) Nutritional history and dietary intake;
    - (2) Anthropometric, biochemical, and clinical variables;
    - (3) Feeding skills and feeding problems; and
    - (4) Food habits and food preferences.
  - (b) Developing and monitoring appropriate plans to address the nutritional needs of the child, based on the individual assessments;
  - (c) Making referrals to appropriate community resources to carry out nutrition goals; and
  - (d) Family training, education, and support to assist the family of the child in understanding the special needs of the child as related to nutritional services.

## **7106 OCCUPATIONAL THERAPY**

- 7106.1 In accordance with 42 C.F.R. § 440.110(b), Medicaid reimbursable occupational therapy (OT) services shall be provided and delivered by an occupational therapist or OT assistant and shall comply with the requirements set forth in the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986, as amended, (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.*), implementing rules, and any subsequent amendments thereto.
- 7106.2 Each provider of Medicaid reimbursable OT services shall:
- (a) Be a licensed occupational therapist or be an OT assistant working under the direct supervision of a licensed occupational therapist; and
  - (b) Undergo an annual purified protein derivative (PPD) skin test to confirm that he or she is free from tuberculosis.
- 7106.3 Each provider of individual and group Medicaid reimbursable OT services shall:



- (a) Prepare reports that measure the child's strength, range of motion, balance, coordination, posture, muscle performance, respiration, and motor functions;
- (b) Develop and describe treatment plans that explain the treatment strategies including direct therapy and monitoring requirements, instruments, instructions, and anticipated outcomes;
- (c) Address the functional needs of a child related to adaptive development, adaptive behavior and play, and sensory, motor, and postural development;
- (d) Assist with selection, design, fabrication, and adaptation of assistive and orthotic devices to facilitate development and promote the acquisition of functional skills;
- (e) Provide individual and group services intended to prevent or minimize the impact of initial or future impairment, delay in development, or loss of functional ability; and
- (f) Provide family training, education, and support provided to assist the family of the child in understanding the special needs of the child as related to OT services and the enhancement of the child's development.

## **7107 PHYSICAL THERAPY**

7107.1 In accordance with 42 C.F.R. § 440.110(a), Medicaid reimbursable physical therapy (PT) services shall be provided by a qualified physical therapist or PT assistant and shall also comply with the requirements set forth in the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986, as amended (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.*), implementing rules, and any subsequent amendments thereto.

7107.2 Each provider of Medicaid reimbursable PT services shall:

- (a) Be a licensed physical therapist or be a physical therapy assistant working under the direct supervision of a licensed physical therapist, and have a Bachelor's Masters, and/or Doctorate degree in Physical Therapy; and
- (b) Undergo an annual purified protein derivative (PPD) skin test to confirm that he or she is free from tuberculosis.

7107.3 Each provider of Medicaid reimbursable individual and group PT services shall:

- (a) Provide a comprehensive screening, evaluation, and assessment to measure the child's strength, range of motion, balance and coordination, posture, muscle performance, respiration, and motor functions;
- (b) Develop and describe treatment plans that explain the treatment strategies including direct therapy and monitoring requirements, instruments, instructions, and anticipated outcomes;
- (c) Address the promotion of sensorimotor function through enhancement of musculoskeletal status, neurobehavioral organization, perceptual and motor development, cardiopulmonary status, and effective environmental adaptation;
- (d) Obtain, interpret, and integrate information appropriate to program planning, that is intended to prevent, alleviate, and/or mitigate movement dysfunction and related functional problems;
- (e) Provide individual and group services intended to prevent, alleviate, and/or mitigate movement dysfunction and related functional problems; and
- (f) Provide family training, education, and support provided to assist the family of the child in understanding the special needs of the child as related to PT services and enhancing the child's development.

## **7108 PSYCHOLOGICAL SERVICES**

- 7108.1 In accordance with the 42 C.F.R. § 440.60(a), Medicaid reimbursable psychological services shall be provided by a clinical psychologist. Each clinical psychologist shall also comply with the requirements set forth in the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, as amended (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*), implementing rules, and any subsequent amendments thereto.
- 7108.2 Each clinical psychologist providing Medicaid reimbursable EI services shall undergo an annual purified protein derivative (PPD) skin test to confirm that he or she is free from tuberculosis.
- 7108.3 Medicaid reimbursable psychological services shall include the following:
- (a) Obtaining, integrating, and interpreting information about child behavior and child and family conditions related to learning, mental health, and development;
  - (b) Administration and interpretation of psychological or other appropriate developmental tests;

- (c) Diagnosis and assessment of social or emotional development of the child;
- (d) Individual, group, or family counseling with the parents and other family members, including appropriate skill-building activities; and
- (e) Family training, education, and support provided to assist the family of the child in understanding the special needs of the child as related to development, behavior or social-emotional functioning, and enhancement of the child's development.

## **7109 SOCIAL WORK SERVICES**

- 7109.1 In accordance with 42 C.F.R § 440.60 (a) Medicaid reimbursable social work services shall be provided by social workers. Each social worker shall also comply with the requirements set forth in the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, as amended (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*), implementing rules, and any subsequent amendments thereto.
- 7109.2 Each social worker providing Medicaid reimbursable social work services shall be certified by the Lead Agency in accordance with 5-E DCMR § 1660.
- 7109.3 Each social worker providing Medicaid reimbursable EI services shall undergo an annual purified protein derivative (PPD) skin test to confirm that he or she is free from tuberculosis.
- 7109.4 Medicaid reimbursable social work services shall include the following:
- (a) Home visits to evaluate a child's living conditions and patterns of parent-child interaction;
  - (b) Individual and family group counseling with parents and other family members, and appropriate social skill-building activities with the child and parent;
  - (c) Working with the child and family to alleviate problems in the living situation that affect the child's maximum utilization of EI services; and
  - (d) Identifying, mobilizing, and coordinating community resources and services to enable the child to receive maximum benefit from EI services.

## **7110 SPEECH-LANGUAGE PATHOLOGY SERVICES**

- 7110.1 In accordance with 42 C.F.R. § 440.110(c)(2), Medicaid reimbursable speech-language pathology (SLP) services shall be provided by qualified speech language

pathologists. Each speech pathologist providing EI services shall also comply with the requirements set forth in the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986, as amended (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.*), implementing rules, and any subsequent amendments thereto.

7110.2 Each provider of Medicaid reimbursable SLP services shall:

- (a) Be a licensed SLP or be a licensed SLP assistant working under the direct supervision of a licensed speech pathologists;
- (b) Be certified by the Lead Agency in accordance with 5-E DCMR § 1658; and
- (c) Undergo an annual purified protein derivative (PPD) skin test to confirm that he or she is free from tuberculosis; and

7110.3 Medicaid reimbursable SLP services shall include the following:

- (a) Comprehensive diagnosis and assessment of communicative or oropharyngeal disorders and delays in the development of communication skills;
- (b) The provision of services for the habilitation, rehabilitation, or the prevention of communicative or oropharyngeal disorders and delays in the development of communication skills;
- (c) Assessment of need for augmentative and alternative speech devices, methods, strategies, and the use of adaptive equipment;
- (d) Family training, education, and support provided to assist the family of the child in understanding the special needs of the child as related to speech-language pathology services and enhancing the child's development.

## **7111 VISION SERVICES**

7111.1 In accordance with 42 C.F.R. § 440.130(d), Medicaid reimbursable vision services shall be provided by qualified orientation and mobility specialists. Each orientation and mobility specialist shall comply with the requirements set forth in the District of Columbia Health Occupations Act of 1985, effective March 25, 1986, as amended (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.*), implementing rules, and any subsequent amendments thereto.

7111.2 Each orientation and mobility specialist providing Medicaid reimbursable EI services shall be certified as an Orientation/Mobility Specialist from the

Association for Education and Rehabilitation of the Blind and Visually Impaired (AER) or the Academy for Certification of Vision Rehabilitation and Education.

- 7111.3 Each orientation and mobility specialist providing Medicaid reimbursable EI services shall undergo an annual purified protein derivative (PPD) skin test to confirm that he or she is free from tuberculosis.
- 7111.4 Medicaid reimbursable EI vision services shall include the following:
- (a) Evaluation and assessment of visual functioning, including the diagnosis and appraisal of specific visual disorders, delays, and abilities that affect early childhood development;
  - (b) Communication skills training, orientation and mobility training for all environments, visual training, and additional training necessary to activate visual motor abilities; and
  - (c) Referral for medical or other professional services necessary for the habilitation or rehabilitation of visual functioning disorders, or both.

## **7112 REIMBURSEMENT**

- 7112.1 DHCF and the Lead Agency shall identify policies and procedures for allocating financial responsibility for EI services through a Memorandum of Understanding.
- 7112.2 The Lead Agency shall take all responsible measures to ascertain the legal liabilities of third-party payers prior to billing Medicaid. Rendering providers shall bill OSSE's EI program for Medicaid covered services.
- 7112.3 In accordance with 42 U.S.C. § 1396, the Lead Agency shall utilize public insurance, such as Medicaid's (Title XIX) and the EPSDT benefit, to the maximum extent possible within the limits of the program.
- 7112.4 The Lead Agency shall agree to accept as payment in full the amount determined by DHCF as Medicaid reimbursement for the authorized services provided to beneficiaries pursuant to § 7115. Rendering providers shall not bill the beneficiary or any member of the beneficiary's family for EI services.
- 7112.5 Reimbursement to the Lead Agency for EI services shall be available when:
- (a) Described in the IFSP according to the amount, scope, and duration of services required;
  - (b) Ordered by qualified health care professionals who shall be licensed practitioners of the healing arts, as set forth in 42 C.F.R. §§ 440.60, 440.110, 440.130, and 440.167, the District of Columbia Health

Occupations Revision Act of 1985, effective March 25, 1986, as amended (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*), implementing rules, and any subsequent amendments thereto; and

- (c) The Lead Agency has provided a parent or authorized caregiver with written notification of IDEA no-cost protections and confidentiality provisions.

7112.6 Medicaid reimbursement for EI services shall not include:

- (a) Traveling, training, waiting, or preparation of reports;
- (b) Therapeutic services that are not developmentally-based, but required due to, or as part of, a medical procedure, a medical intervention, or an injury, unless the condition has become chronic or sub-acute;
- (c) Services not documented in the IFSP, other than the initial and periodic assessments;
- (d) Services rendered in a clinic or provider’s office without justification for the location;
- (e) Service coordination; and
- (f) Services provided in the absence of the child, with the exception of IFSP team meetings, which do not include the child.

**7113 PROGRAM OVERSIGHT AND INTEGRITY**

7113.1 DHCF and the Lead Agency shall comply with the agreement set forth in the Memorandum of Agreement.

7113.2 All records shall be available for review by DHCF, OSSE, CMS, and the U.S. Department of Health and Human Services.

**7114 MEDICAID REIMBURSEMENT RATES**

Services	Procedure Codes	Rate
Assistive Technology Services	DME Procedure Codes	Varies depending on code
Assessments for Service Planning	T1023 R1 (RC1)	\$37.50/15 min
	T1023 R2 (RC2)	\$28.50/ 15 min
Audiology	G0153 GP (group)	\$25.13/15 min
	G0153 R1 (individual RC1)	\$37.50/15 min
	G0153 R2 (individual RC2)	\$28.50/15 min

Developmental Therapy	T1027 R2 (individual RC2)	\$27.50/15 min
Developmental Therapy– Applied Behavioral Analysis Method	T1027 R1 (individual RC1)	\$31.25/15 min
	T1027 R2 (individual RC2)	\$27.50/15 min
	T1027 GP (group)	\$18.43/15 min
Group Therapy (two (2) or more children)	T1027 GP (group)	\$18.43/15 min
Nursing Services	G0154 U1 (individual)	\$37.50/15 min
	G0154 GP (group)	\$25.13/15 min
Nutrition Services	97802 R2 (initial)	\$30.41/15 min
	97803 R2 (subsequent)	\$26.49/15 min
	97804 R2 (group)	\$13.32/15 min
Occupational Therapy	G0152 U1 (individual)	\$37.50/15 min
	G0152 GP (group)	\$25.13/15 min
Social Work Services	90806	\$70.94/50 min
	90846	\$71.06/50 min
Psychological Services	90802	\$146.76/dx interview
	90804	\$54.06/30 min
	90806	\$70.94/50 min
	90808	\$103.32/80 min
	90810	\$55.23/30 min
	96111	\$108. 22
Physical Therapy	G0151 U1 (individual RC1)	\$37.50/15 min
	G0151 U1 (individual RC2)	\$28.50/15 min
	G0151 GP (group)	\$25.13/15 min
Speech-Language Pathology	G0153 U1 (individual RC1)	\$37.50/15 min
	G0153 GP (group)	\$25.13/15 min
Team Treatment Activities (more than one professional providing services during same session for an individual child/family)	T1024 R1 (individual RC1)	\$37.50/15 min
Vision Services/Orientation	V2799 R2 (individual RC2)	\$37.50/15 min

\*Reimbursement Category 1 (RC 1) providers are physical therapists, occupational therapists, speech-language pathologists, nurses (registered nurses or nurse practitioners), psychologists, board certified behavior analysts (BCBAs), audiologists, certified assistive technology specialists, and certified auditory verbal therapists or educators.

\*Reimbursement Category 2 (RC 2) providers are PT assistants, OT assistants, certified therapeutic recreational specialists, counselors, special educators, dietitians, family therapists, orientation and mobility specialists, social workers certified nurse aides, LPNs, ABA paraprofessionals, and board certified assistant behavior analysts (BCaBAs).

\*\*Per professional.

## 7199 DEFINITIONS

For the purposes of this chapter, the following terms shall have the meanings ascribed as follows:

**Applied Behavioral Analysis (ABA)** - The science of applying interventions based on principles of learning and motivation to promote socially significant behavior changes by teaching new skills, promoting generalization of these skills, and reducing challenging behaviors with systematic reinforcement.

**Assessment** – Assessment refers to the process of determining the beneficiary’s need, nature, amount, scope, and duration of treatment; determining the level of coordination between varying forms of treatment; and the detailed documentation of the assessment findings.

**Autism Spectrum Disorder (ASD)** – Refers to any of a group of developmental disorders marked by impairments in the ability to communicate and interact socially and by the presence of repetitive behaviors or restricted interests.

**Department of Health Care Finance (DHCF)** – Single State Agency for the administration of medical assistance programs.

**Early and Periodic Screening, Diagnostic and Treatment (EPDST) services benefit** – Services designed for Medicaid-eligible beneficiaries from birth through age twenty (20) that include periodic and inter-periodic screenings to identify physical and mental conditions, vision, hearing, and dental, as well as diagnostic and medically necessary treatment services to correct conditions identified during screenings.

**Office of the State Superintendent of Education (OSSE)** – The Lead Agency for IDEA Part C for the District of Columbia responsible for establishing District-wide policies, providing resources and support, and exercising accountability to ensure a statewide, comprehensive, coordinated, multidisciplinary, interagency system to provide early intervention services for infants and toddlers with disabilities and their families.



**Individualized Family Service Plan (IFSP)** – A written plan for providing early intervention services to an infant or toddler who is eligible for EI services based on an evaluation and assessment, including outcome measurements, as required under Section 636 of the IDEA, 20 U.S.C. § 1436.

**Individuals with Disabilities Education Act (IDEA)** – 20 U.S.C. §§ 1432 *et seq.*

**IFSP Team**– Each initial and annual IFSP is required to have: the parent or parents of the child; other family members, as requested by the parent; an advocate or person outside the family, if parent requests that person to participate; the service coordinator; a person or persons directly involved in conducting the evaluations or assessments, and; as appropriate, persons who will be providing early intervention services to the child or family. The team determines the frequency, intensity, method, duration, and location of EI services required in order to carry out the beneficiaries care plan.

**Pre-Kindergarten** – the year immediately preceding kindergarten.

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

The Director of the D.C. Department of Human Resources, with the concurrence of the City Administrator, pursuant to Mayor's Order 2008-92, dated June 26, 2008, and in accordance with the provisions of Title VIII of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-608.01 *et seq.* (2012 Repl. & 2013 Supp.)), hereby gives notice of the intent to adopt, in not less than thirty (30) days from the publication of this notice in the *D.C. Register*, the following amendments to Chapter 8, "Career Service," of Subtitle B of Title 6, "Government Personnel," of the District of Columbia Municipal Regulations (DCMR).

The purpose of these rules are to amend Sections 823, Term Appointment and 830, Noncompetitive Placement, to allow agencies to noncompetitively convert employees serving in term appointments to a regular Career Service appointment.

This Notice of Second Proposed Rulemaking supersedes the Notice of Proposed Rulemaking published on August 1, 2014 in the *D.C. Register* at 61 DCR 007855.

Upon adoption, these rules will amend Chapter 8, Career Service, of Subtitle B of Title 6 of the DCMR, published at 30 DCR 2555 (May 27, 1983) and amended at 30 DCR 4608 (September 9, 1983), 31 DCR 2715 (June 1, 1984), 32 DCR 1857 (April 5, 1985), 32 DCR 2473 (May 3, 1985), 32 DCR 2953 (May 24, 1985) (Errata), 33 DCR 4299 (July 18, 1986), 35 DCR 1087 (February 19, 1988), 36 DCR 6069 (August 25, 1989), 37 DCR 3952 (June 15, 1990), 37 DCR 7117 (November 9, 1990), 42 DCR 3520 (July 7, 1995), 45 DCR 451 (January 23, 1998), 45 DCR 1641 (March 20, 1998), 47 DCR 2419 (April 7, 2000), 48 DCR 8973 (September 28, 2001), 49 DCR 1859 (March 1, 2002), 49 DCR 6842 (July 19, 2002), 49 DCR 8368 (August 30, 2002), 49 DCR 9298 (October 11, 2002) (Errata), 51 DCR 9706 (October 15, 2004), 51 DCR 10410 (November 12, 2004), 53 DCR 3248 (April 21, 2006), 54 DCR 725 (January 26, 2007); 54 DCR 9556 (October 5, 2007), 55 DCR 7731 (July 18, 2008), 56 DCR 271 (April 3, 2009), 56 DCR 3685 (May 8, 2009), 56 DCR 6162 (August 7, 2009); 59 DCR 4840 ( May 11, 2012), and 61 DCR 002122 (March 14, 2014).

**D.C. PERSONNEL REGULATIONS**

**Chapter 8 (Career Service), of Subtitle B of Title 6 (Government Personnel) of the District of Columbia Municipal Regulations, is amended to read as follows:**

**Section 823 (Term Appointment) is being amended and renumbered as follows:**

823.1 A personnel authority may make a term appointment for a period of more than one (1) year when the needs of the service so require and the employment need is for a limited period of four (4) years or less.

- 823.2 Unless supported by grant funds, an employee continuously serving in a term appointment four (4) years or more, which is acquired through open competition, shall:
- (a) Be separated from District government service; or
  - (b) Have his or her position converted to a regular Career Service appointment with permanent status.
- 823.3 If an employee is serving in a term appointment supported by grant funds, the conversion of his or her position shall be determined by the personnel authority.
- 823.4 Term appointments at and above grade level CS-13 or equivalent shall result from open competition, except in the case of a candidate who is eligible for reinstatement.
- 823.5 An agency may make a non-competitive term appointment to a position at or below grade level CS-12, or equivalent; except that the Chief, Metropolitan Police Department, is authorized to make non-competitive term appointments to positions at any grade level.
- 823.6 Except as provided in Subsection 823.7 of this section, a person appointed to a term appointment shall meet the minimum qualification requirements for the position.
- 823.7 A veteran who is an applicant for a term appointment at grade level CS-3 or below, or equivalent, shall be considered to be qualified to perform the duties of the position on the basis of his or her total experience, including military service, without regard to the qualification requirements.
- 823.8 An employee serving under a term appointment shall not acquire permanent status on the basis of the term appointment, and shall not be converted to a regular Career Service appointment, unless the initial term appointment was through open competition within the Career Service and the employee has satisfied the probationary period.
- 823.9 Employment under a term appointment shall end automatically on the expiration of the appointment, unless the employee has been separated earlier.
- 823.10 Except as specified in Subsection 813.2 of this chapter in the case of correctional officers, a term employee shall serve a probationary period of one (1) year upon initial appointment.
- 823.11 A term employee may be promoted and reassigned to another term position by new term appointment; provided that the competitive and non-competitive promotion provisions in Sections 829 and 830 of this chapter are followed.

823.12 Notwithstanding any other provision of this section and this chapter, in the case of grant funded positions, promotions and reassignments of term employees paid under the grant shall be made by new term appointment with specific time limitations coterminous (same) with the expiration date of the grant.

**Subsection 830.1 (Noncompetitive Placement) is being amended to add:**

- (1) A conversion from a term appointment to a regular Career Service appointment with permanent status, unless the initial term appointment was through open competition within the Career Service.

Comments on these proposed regulations should be submitted, in writing, within thirty (30) days of the date of the publication of this notice to Justin Zimmerman, Associate Director, D.C. Department of Human Resources, 441 4<sup>th</sup> Street, N.W., Suite 330 South, Washington, D.C. 20001, or via email at [justin.zimmerman@dc.gov](mailto:justin.zimmerman@dc.gov). Persons with questions regarding the proposed rulemaking should call (202) 727-1568. Additional copies of these proposed rules are available from the above address.

**DISTRICT OF COLUMBIA  
DEPARTMENT OF INSURANCE, SECURITIES AND BANKING**

**NOTICE OF PROPOSED RULEMAKING**

The Acting Commissioner of the Department of Insurance, Securities, and Banking, pursuant to the authority set forth in Section 403 of the Securities Act of 2000, effective October 26, 2000 (D.C. Law 13-203, D.C. Official Code § 31-5604.03 (2012 Repl.)), hereby gives notice of his intent to adopt new rules under Chapter 2 (Registration of Securities Offerings) of Subtitle B (Securities), Title 26 (Insurance, Securities and Banking), of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

This proposed rulemaking create new Sections 250 - 256. The new Section 250 will establish a new exemption from registration for issuers who make securities offerings exclusively to residents of the District of Columbia. The new sections will set forth the eligibility requirements for the exemption, outline conditions that must be met in order to claim the exemption, and establish filing requirements, including a fee. The proposed rulemaking will also amend Section 299 to provide additional definitions related to the exemption. The Acting Commissioner has determined that this rulemaking is in the public interest, appropriate for the protection of investors, and consistent with the purposes intended by the applicable statutory provisions.

The Acting Commissioner also gives notice of the intent to adopt these rules as final, not less than thirty (30) days after publication of this notice in the *D.C. Register*.

**Chapter 2 (Registration of Securities Offerings), of Subtitle B, Title 26 (Securities), of the District of Columbia Municipal Regulations is amended as follows:**

**New Section 250 (District of Columbia-Only Securities Offerings Exemption) is added to read as follows:**

**250           DISTRICT OF COLUMBIA-ONLY SECURITIES OFFERINGS  
EXEMPTION**

250.1           The purpose of this subchapter is to promote and encourage the growth of small business in the District of Columbia by facilitating the ability to raise capital by selling securities to District of Columbia residents. This subchapter will provide an exemption from the requirements of Section 301 of the Securities Act of 2000, D.C. Official Code § 31-5603.01 for issuers who offer such securities exclusively in the District of Columbia. This exemption will be known as the District of Columbia-Only Securities Offerings Exemption.

250.2           Pursuant to D.C. Official Code § 31-5604.03, an offer or sale of a security in the District of Columbia that complies with all of the provisions of Section 250 shall be exempt from the requirements of D.C. Official Code § 31-5603.01, § 31-5603.07, and § 31-5604.05 of the Securities Act of 2000, effective October 26,

2000 (D.C. Law 13-203; D.C. Official Code §§ 31-5601.01 *et seq.* (2012 Repl.)) ("Act"), if the offer is conducted in accordance with the following requirements:

- (a) The issuer must be an entity that is organized under the laws of the District of Columbia ("District"), is authorized to do business in the District, and has its principal place of business in the District;
- (b) The transaction must meet the conditions of the federal exemption for intrastate offerings in Section 3 (a) (11) of the Securities Act of 1933 (15 USC 77c (a) (11)) and Rule 147 adopted under the Securities Act of 1933 (17 CFR 230.147); and
- (c) Unless the purchaser is an accredited investor as defined by § 31-5601.01 of the Act, the issuer shall not accept:
  - (i) From any single purchaser who is a natural person, more than \$10,000, if the purchaser's annual gross income is less than \$100,000;
  - (ii) From any single purchaser who is a natural person, more than \$25,000, if the purchaser's annual gross income is less than \$200,000; or
  - (iii) An offer from any purchaser other than a natural person, unless the purchaser's annual gross income or net worth is more than \$1 million (\$1,000,000).

## **251 SOLICITATION OR ADVERTISING ADDRESSED TO DISTRICT OF COLUMBIA RESIDENTS ONLY**

251.1 A general solicitation or advertising may be published in connection with the offer to sell or sale of the securities, provided, that at least 20 calendar days before any sale of the security, the issuer has filed with the Commissioner a notice setting forth the material terms of the proposed sale and copies of any sales and advertising literature to be used and the Commissioner, by order, does not disallow the exemption within 10 business days after the filing is received by the Commissioner.

## **252 CASH AND CONSIDERATION LIMITS**

252.1 The sum of all cash and other lawful consideration to be received for all sales of the securities in reliance on the exemption under this subsection shall not exceed the following amounts:

- (a) \$500,000, if the issuer has financial statements, including balance sheets, income statements and cash flow statement for the past three years, or as

much of that time as the issuer has been in operation, that are certified by the principal executive officer to be true and complete in all material respects.

- (b) \$1,000,000, less the aggregate amount received for all sales of securities by the issuer within the 12 months before the first offer or sale made in reliance on the exemption under this subsection, if the issuer has undergone a financial review of the financial statements of its most recently completed fiscal year, which complies with generally accepted accounting principles.
- (c) \$2,000,000, less the aggregate amount received for all sales of securities by the issuer within the 12 months before the first offer or sale made in reliance on the exemption under this subsection, if the issuer has undergone an audit of the financial statements of its most recently completed fiscal year, which complies with generally accepted accounting principles.

252.2 An offer or sale to an officer, director, partner, trustee, or individual occupying similar status or performing similar functions with respect to the issuer or to a person owning 10 percent or more of the outstanding shares of any class or classes of securities of the issuer does not count toward the monetary limitation in subparagraphs 252.1(a), (b), and (c).

252.3 No offer or sale of a different class or series of security shall have been made by the issuer in reliance on the exemption under this subsection during the immediately preceding 12-month period.

## **253 FILING REQUIREMENTS**

253.1 The issuer or applicant shall file the following documents with the Commissioner no later than 20 calendar days prior to offer or sale of any offering made in reliance on the exemption under this subsection.

253.2 A written notice of claim of exemption from registration, specifying that the issuer will be conducting an offering in reliance on the exemption under this subsection, accompanied by the filing fee set forth in Section 249.

253.3 A copy of the offering document to be provided to prospective investors in connection with the offering, containing all of the following:

- (a) A description of the company, the type of entity, the address and telephone number of its principal office, its history, its business plan, and the intended use of the offering proceeds, including any amounts to be paid, as compensation or otherwise, to any owner, executive officer, director,

managing member, or other person occupying a similar status or performing similar functions on behalf of the issuer;

- (b) The identity of all persons owning more than 10 percent of the ownership interests of any class of securities of the company;
- (c) The identity of the executive officers, directors, managing members, and other persons occupying a similar status or performing similar functions in the name of and on behalf of the issuer, including their titles and their prior experience;
- (d) For persons reported in (a) and (b), each such individual will provide to the Department on a confidential basis, an affidavit in the form of Attachment A, which includes the date of birth, address and social security number of the individual and a statement signed under penalty of perjury that the individual is not disqualified from participating in this offering;
- (e) The terms and conditions of the securities being offered and of any outstanding securities of the company; the amount of securities being offered; either the percentage ownership of the company represented by the offered securities or the valuation of the company implied by the price of the offered securities; the price per share, unit, or interest of the securities being offered; any restrictions on transfer of the securities being offered; and a disclosure of any anticipated future issuance of securities that might dilute the value of securities being offered;
- (f) The identity of any person who has been or will be retained by the issuer to assist the issuer in conducting the offering and sale of the securities, excluding persons acting solely as accountants or attorneys and employees whose primary job responsibilities involve the operating business of the issuer rather than assisting the issuer in raising capital;
- (g) For each person identified as required under subparagraph (ii)(E), a description of the consideration being paid to the person for such assistance. Any such consideration must be paid into a registered bank account;
- (h) A description of any litigation, legal proceedings, or pending regulatory action involving the company or its executive officers;
- (i) Any additional information material to the offering, including, if appropriate, a discussion of significant factors that make the specific offering speculative or risky. This discussion shall be concise and organized logically and may not be limited to risks that could apply to any issuer or any offering under this Section. There must be set forth under an appropriate caption, a carefully organized series of short, concise



paragraphs, summarizing the most significant factors that make the offering speculative or substantially risky. Issuers should avoid generalized statements and include only factors that are specific to the issuer;

- (j) The issuer's business plan for the next five fiscal years;
- (k) The issuer's financial statements, for the three most recent fiscal years, or for as much time as the issuer has been in existence, if less than three years;
- (l) A statement of the issuer's proposed use of funds to be derived from the offering;
- (m) All sales material that is distributed or made available to potential purchasers during the offering period;
- (n) If any material change occurs in the information that an issuer submits to the Commissioner in a statement filed under subparagraph (ii), the issuer shall, within 5 calendar days of the change, notify the Commissioner and make corresponding changes to the disclosures in the offering document; and
- (o) An escrow agreement with a bank, savings bank, savings and loan association, or credit union chartered under the laws of this district or an agency of the federal government in which all investor funds will be deposited into an interest-bearing account, providing that all offering proceeds, plus accrued interest, will be released to the issuer only when the aggregate capital raised from all investors is equal to or greater than the offering amount specified in the disclosure document, and all the funds so released are used in accordance with the disclosure document, provided, if that target offering amount is not raised by the time stated in the disclosure document, the depository institution shall refund all investor funds raised in the offering, with accrued interest.

## 254 DISQUALIFICATIONS

- 254.1 An issuer is not eligible for this exemption if, either before or as a result of the offering, an investment company, as defined in Section 3 of the Investment Company Act of 1940 (15 U.S.C. § 80a-3), or an entity that would be an investment company but for the exclusions provided in Section 3(c) of the Investment Company Act of 1940 (15 U.S.C. § 80a-3 (c)), or subject to the reporting requirements of Section 13 or 15 (d) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78m or 78o (d)), or a development stage company that either has no specific business plan or purpose or has indicated that its business plan is

to engage in a merger or acquisition with an unidentified company or companies, or other entity or person.

254.2 Neither the issuer nor any of the officers, shareholders, employees or contractors referred to in this rulemaking would be disqualified from participating in an offering under Regulation A under the Securities Act of 1933, by virtue of 17 C.F.R. § 230.262, as Section 230.262 may be amended from time to time.

## 255 ADDITIONAL REQUIREMENTS FOR ISSUERS

255.1 An offering document shall be delivered to each offeree at least 24 hours prior to any sale of securities in reliance upon the District of Columbia intrastate exemption. The offering document must:

- (a) Inform all prospective purchasers of securities offered under this subsection that the securities have not been registered under federal or district securities law and that the securities are subject to limitations on resale.
- (b) Shall display the following legend conspicuously on the cover page of the disclosure document:

**“IN MAKING AN INVESTMENT DECISION, INVESTORS MUST RELY ON THEIR OWN EXAMINATION OF THE ISSUER AND THE ISSUER’S DISCLOSURE STATEMENT, INCLUDING THE TERMS OF THE OFFERING AND THE MERITS AND RISKS INVOLVED. THESE SECURITIES HAVE NOT BEEN RECOMMENDED BY ANY FEDERAL OR STATE SECURITIES REGULATOR OR THE DEPARTMENT OF INSURANCE, SECURITIES AND BANKING OR OTHER REGULATORY AUTHORITY. FURTHERMORE, THE FOREGOING AUTHORITIES HAVE NOT CONFIRMED THE ACCURACY OR DETERMINED THE ADEQUACY OF THIS DOCUMENT. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL OFFENSE. THESE SECURITIES ARE SUBJECT TO RESTRICTIONS ON TRANSFERABILITY AND RESALE AND MAY NOT BE TRANSFERRED OR RESOLD EXCEPT AS PERMITTED BY SUBSECTION (e) OF SEC RULE 147 (17 C.F.R. § 230.147 (e)) AS PROMULGATED UNDER THE SECURITIES ACT OF 1933, AS AMENDED, AND THE APPLICABLE DISTRICT OF COLUMBIA SECURITIES LAWS, PURSUANT TO REGISTRATION OR EXEMPTION THEREFROM. INVESTORS SHOULD BE AWARE THAT THEY WILL BE**

**REQUIRED TO BEAR THE FINANCIAL RISKS OF THIS INVESTMENT FOR AN INDEFINITE PERIOD OF TIME.”**

- (c) The offering document must be signed by a duly authorized representative of the issuer who by such action shall certify that the issuer has made reasonable efforts to verify the material accuracy and completeness of the information therein contained.

255.2 An issuer shall maintain records of all offers and sales of securities and shall provide ready access to the records to the Department, upon request.

255.3 An issuer of a security, the offer and sale of which is exempt under this Section, shall provide, free of charge, an annual report to the issuer's investors and shall file a copy of the report with the Department, for each of the three fiscal years of the issuer, of which the first ends first after the offering is begun. An issuer may satisfy the delivery requirement of this subsection by making the information available on the issuer's website, if the information is made available within 60 days after the end of each fiscal year and remains available until the succeeding annual report is issued. The report shall contain all of the following:

- (a) Compensation received by each director and executive officer, including cash compensation earned since the previous report and on an annual basis and any bonuses, stock options, other rights to receive securities of the issuer or any affiliate of the issuer, or other compensation received;
- (b) An analysis by management of the issuer of the business operations and financial condition of the issuer;
- (c) Operating results and financial statement; AND
- (d) A statement of the use of the proceeds of the offering.

255.4 All statements and representations made in filings with the Department by the issuer and the executive officers and more than ten percent (10%) shareholders of the issuer in connection with this offering shall be subject to Section 502 of the Securities Act of 2000, D.C. Official Code § 31-5605.02, and the Department may bring enforcement actions under Sections 602 or 603 of the Act or refer the violations to the US Attorney for the District of Columbia or the Attorney General of the District of Columbia pursuant to Section 604 of the Act. Purchasers of the securities offered under this exemption may bring actions under Section 607 of the Act for violations of the Act or these regulations.

**256 OFFERINGS THROUGH INTERNET SITES**

256.1 The following requirements apply to any offer or sale of securities through Internet sites pursuant to the exemption:

- (a) Any person acting as an Internet site operator must be an issuer, broker-dealer licensed in the District, or a Funding Portal that is in compliance with all District, SEC and FINRA requirements, including if it is a Funding Portal, making any required notice filings with the Department of Insurance, Securities and Banking.
- (b) Internet site operators must comply with all District, SEC and FINRA requirements applicable to intrastate offerings through the internet.
- (c) Internet site operators shall maintain records of all offers and sales of securities effected through its Internet site.

**SECURITIES REGISTRATION FEES contained in Section 249**, are hereby amended by adding a new Subsection 249.13 to read as follows:

249.13 There shall be a nonrefundable filing fee of \$250.00 for every notice of claim of exemption filed under Section 250.

**DEFINITIONS contained in Section 299**, are hereby amended by adding the following definitions:

**“Audit”** shall mean an examination of the financial statements by an independent accountant in accordance with generally accepted auditing standards, as may be modified or supplemented by the Commission, for the purpose of expressing an opinion thereon.

**“Executive officer”** means the president, any vice president in charge of a principal business unit, division or function (such as sales, administration or finance), any other officer who performs a policy making function, or any other person who performs similar policy making functions for the issuer. Executive officers of subsidiaries may be deemed executive officers of the issuer if they perform such policy making functions for the issuer.

**“Financial Review”** means a limited inquiry and analytical procedure of much narrower scope than an audit, undertaken by a CPA for the purpose of expressing limited assurance that financial statements are presented in accordance with generally accepted accounting principles (“GAAP”).

**“Funding portal”** means any person acting as an intermediary in a transaction involving the offer or sale of securities for the account of others, solely pursuant to Section 4(6) of the Securities Act of 1933 (15 U.S.C.77d(6)), that does not—

- (A) Offer investment advice or recommendations;

- (B) Solicit purchases, sales, or offers to buy the securities offered or displayed on its website or portal;
- (C) Compensate employees, agents, or other persons for such solicitation or based on the sale of securities displayed or referenced on its website or portal;
- (D) Hold, manage, possess, or otherwise handle investor funds or securities; or
- (E) Engage in such other activities as the Securities Exchange Commission, by rule, determines appropriate.’’

“**Principal office**” means the location of the primary office of a business where the business and financial records are kept and/or where executive level management employees work.

All persons desiring to file comments on the proposed rulemaking should submit written comments via e-mail to [disb.dconlyregs@dc.gov](mailto:disb.dconlyregs@dc.gov) or by mail to the Department of Insurance, Securities, and Banking, 810 First Street, N.E., Suite 701, Washington, D.C. 20002, Attn: Lilah R. Blackstone, Assistant General Counsel, within thirty (30) days of the date of publication of this notice in the *D.C Register*. All comments should be labeled “Comment for Proposed Rulemaking re: DC-Only Securities Offerings Exemption.” Copies of the proposed rulemaking can be obtained on the Department’s website at [www.disb.dc.gov](http://www.disb.dc.gov).

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING**FORMAL CASE NO. 1112, IN THE MATTER OF THE AMENDMENT OF THE COMMISSION'S RULES REGARDING REGULATION OF LOCAL EXCHANGE CARRIERS**

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice pursuant to Sections 34-802 and 2-505 of the District of Columbia Official Code<sup>1</sup> of its intent to amend Chapter 13, "Rules Implementing the Public Utilities Reimbursement Fee Act of 1980," Chapter 25, "Certification of Local Exchange Service Providers," and Chapter 27, "Regulation of Telecommunications Service Providers" of Title 15, "Public Utilities and Cable Television", of the District of Columbia Municipal Regulations ("DCMR"), in not less than 30 days from the date of publication of this Notice of Proposed Rulemaking ("NOPR") in the *D.C. Register*.

2. The proposed amendments to Chapter 13 of the Commission's rules – "Determination of Reimbursements" – are being made to ensure that the assessment process is complete and accurate. Section 1301.2 is amended to clarify the Annual Survey filing requirements for utilities, competitive electric suppliers, competitive natural gas suppliers, and Competitive Local Exchange Carriers (CLEC). Sections 1301.3, 1301.4 and 1301.5 are added to impose appropriate penalties on any utility,<sup>2</sup> competitive electric supplier,<sup>3</sup> competitive natural gas supplier,<sup>4</sup> or CLEC<sup>5</sup> that fails to timely file their annual jurisdictional revenue figures or files incomplete or inaccurate Annual Survey information. Section 1301.6 is added to explain the penalty procedure.

3. The proposed amendments to Chapter 25 – "Certification of Local Exchange Service Providers" – amend Section 2501 – "Certification Required Prior to Providing Local Exchange Service" and Section 2514 – "Provision of Service Requirement" – in order to ensure

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<sup>1</sup> D.C. Official Code §§ 34-802 and 2-505 (2001 Ed.).

<sup>2</sup> Imposed pursuant to D.C. Official Code § 34-706(a) (2013 Supp.). This provision allows the Commission to impose a civil penalty on a utility for violation of a regulation or Commission order. The civil penalty imposed may not exceed \$5,000 per violation.

<sup>3</sup> Imposed pursuant to D.C. Official Code §§ 34-1508(a)(2) and (b)(1) (2001 Ed.). These provisions, taken together, allow the Commission to impose a civil penalty on a competitive electric supplier for violation of any regulation or Commission order. The civil penalty imposed may not exceed \$10,000 per violation.

<sup>4</sup> Imposed pursuant to D.C. Official Code §§ 34-1671.11(a)(2) and (d)(1) (2001 Ed.). These provisions, taken together, allow the Commission to impose a civil penalty on a competitive gas supplier for violation of any regulation or Commission order. The civil penalty imposed may not exceed \$10,000 per violation.

<sup>5</sup> Imposed pursuant to D.C. Official Code §§ 34-2002(h-1)(2) and (h-2)(1) (2013 Supp.). These provisions, taken together, allow the Commission to impose a civil penalty on a competitive local exchange carrier for violation of any regulation or Commission order. The civil penalty imposed may not exceed \$10,000 per violation.

that parties granted a certificate to provide telecommunications services to customers in the District of Columbia actually begin providing service to customers in the District of Columbia within five (5) years from the issuance of the certificate. Section 2515 – “Certification Revocation” – is added to provide the procedure for the revocation of a certificate in the event that a certificated party does not provide timely telecommunications services to customers in the District of Columbia.<sup>6</sup>

4. The proposed amendment to Chapter 27 – “Regulation of Telecommunications Service Providers” – adds Section 2708 – “Relinquishment of Certificate” – which provides for the voluntary relinquishment of a certificate at any time for any certificated party who has no customers in the District of Columbia.

5. Chapters 13, 25, and 27 are amended as follows:

### **1301 DETERMINATION OF REIMBURSEMENTS**

1301.2 By March 15<sup>th</sup> of each year the Commission shall send to each utility, competitive electric supplier, competitive natural gas supplier, and CLEC an Annual Survey and Affidavit for assessment purposes. Each utility, competitive electric supplier, competitive natural gas supplier, and CLEC shall file its responses to the Annual Survey with the Commission by April 15<sup>th</sup>. Each response shall include a report of the responder’s gross jurisdictional revenues for the proceeding calendar year ending December 31<sup>st</sup>.

1301.3 Failure to respond to the Commission issued Annual Survey by April 15<sup>th</sup> shall result in a penalty of \$100.00 per day for each day that the filing is late.

1301.4 Responders who under-report their gross jurisdictional revenues in their Annual Survey, shall be subject to a penalty equal to twice the correct assessment amount, up to but not to exceed \$5,000, in addition to paying the correct assessment amount.

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<sup>6</sup> The five (5) year provision of service deadline and the certification revocation provision are adopted pursuant to D.C. Official Code §§ 34-2002(b) and 34-2002 (h-1)(1), respectively, which state:

§ 34-2002(b) Pursuant to the federal Telecommunications Act of 1996 (Public Law 104-104), the Public Service Commission shall establish a procedure to facilitate entry into the District for providers of all forms of telecommunications service in order to foster the availability of competitive telecommunications options to consumers in the District, and to encourage the development of a technological infrastructure which will afford District residents increased access to the information highway.

34-2002(h-1) For a violation of any provision of this chapter or a violation of any rule or order issued under this chapter, after notice and a hearing, the Commission may;

(1) Suspend or revoke the certification of a telecommunications service provider . . .

1301.5 Responders who file incomplete or incorrect information in their Annual Survey shall be subject to a penalty not to exceed \$5,000.

1301.6 Responders shall receive notice of any penalty that the Commission intends to impose and shall be given an opportunity for a hearing pursuant to D.C. Official Code §§ 34-706(c), 34-1508(a), 34-1671.11(a), or 34-2002(h-1).

## **2501 CERTIFICATION REQUIRED PRIOR TO PROVIDING LOCAL EXCHANGE SERVICE**

2501.1 No party shall provide local exchange service to the public in the District of Columbia, regardless of the facilities used, without first receiving certification from the Commission to provide such service. All parties seeking a certificate must begin providing service to customers in the District of Columbia within five (5) years from the date that the certificate is issued in accordance with Section 2514 of this chapter.

## **2514 PROVISION OF SERVICE REQUIREMENT**

2514.1 All parties granted a certificate to provide service under this chapter shall begin providing telecommunications service for hire to one or more customers in the District of Columbia within five (5) years from the date that the certificate is issued, or from the date that this rule is published in the *D.C. Register*, whichever is later.

## **2515 CERTIFICATE REVOCATION**

2515.1 If a certificated party fails to begin to provide telecommunications service to customers in the District of Columbia within five (5) years from the issuance of its certificate, or from the date that this rule is published in the *D.C. Register*, whichever is later, then the Commission shall institute a formal certificate revocation proceeding and shall give the certificated party an opportunity for a hearing, either oral or in writing.

2515.2 The formal revocation proceeding shall commence with the issuance of a Show Cause Order directing the certificated party to show cause as to why their certificate should not be revoked for failure to provide service to any customers in the District of Columbia within the five year period.

2515.3 A certificated party's response to the Show Cause Order shall be reviewed by the Commission or by a hearing officer designated to act on the Commission's behalf.

2515.4 A certificated party may, at its option, relinquish its certificate in accordance with 15 DCMR § 2708.



**2708 RELINQUISHMENT OF CERTIFICATE**

2708.1 A certificated party with no customers in the District of Columbia may, at any time, relinquish its certificate to provide telecommunications service in the District of Columbia by filing an affidavit, signed by a party authorized to act on behalf of the certificated party, with the Commission verifying:

- (a) The certificated party's name, address, telephone number, fax number, and any other name(s) under which the certificated party applied for or received the certificate to provide telecommunications service in the District of Columbia that is being relinquished;
- (b) That the certificated party is not providing telecommunications services to any customers in the District of Columbia;
- (c) That the certificated party owes no outstanding debts to the District of Columbia, or a description of the arrangements made for payment of any outstanding debts including taxes, fees, or other amounts owed to the Commission or any other agency of the District of Columbia; and
- (d) That the certificated party understands that by relinquishing its certificate it may not provide local exchange service to any customers in the District of Columbia, regardless of the facilities used, and that in order to provide telecommunications services to any customers in the District of Columbia in the future, the certificated party must reapply for a certificate in accordance with Chapter 25 of the Commission's rules.

2708.2 The Commission shall act on any request to relinquish a certificate within fifteen (15) days of its filing.

6. Any person interested in commenting on the subject matter of this proposed rulemaking must submit comments and reply comments in writing no later than thirty (30) days and forty-five (45) days, respectively, from the date of publication of this Notice in the *D.C. Register*. Comments and reply comments are to be addressed to 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. After the comment period expires, the Commission will take final rulemaking action.

**THE DISTRICT OF COLUMBIA  
LOTTERY AND CHARITABLE GAMES CONTROL BOARD**

**NOTICE OF EMERGENCY RULEMAKING**

The Executive Director of the District of Columbia Lottery and Charitable Games Control Board, pursuant to the authority set forth in the Law to Legalize Lotteries, Daily Numbers, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code § 3-1306 and 3-1321 (2012 Repl.)); District of Columbia Financial Responsibility and Management Assistance Authority Order issued September 21, 1996; and Office of the Chief Financial Officer Financial Management Control Order No. 96-22 issued November 18, 1996, hereby gives notice of the adoption of amendments to Chapters 9 (Description of On-Line Games) and 99 (Definitions) of Title 30 (Lottery and Charitable Games) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking creates a new DC FAST PLAY Game entitled ROLLING JACKPOT SMOKIN' HOT DICE GAME. It is anticipated that these emergency regulations will generate additional funds for the District of Columbia.

This emergency rulemaking was adopted on August 1, 2014 and became effective on that date. These emergency rules will expire one hundred twenty (120) days from the date of adoption, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first. The Executive Director also gives notice of his intent to take final rulemaking action to adopt these amendments as final in no less than seven (7) days from the date of publication of this notice in the *D.C. Register*.

**Sections 953 and 954 of Chapter 9, DESCRIPTION OF ON-LINE GAMES, of Title 30, LOTTERY AND CHARITABLE GAMES, of the DCMR is amended to read as follows:**

**953            ROLLING JACKPOT SMOKIN' HOT DICE FAST PLAY GAME**

- 953.1            The Agency may conduct a game enhancement to the DC Fast Play game called Rolling Jackpot Smokin' Hot Dice to the public and for such time periods as determined by the Executive Director.
- 953.2            Rolling Smokin' Hot Dice is an instant ticket style Fast Play game with the option of adding a Progressive Jackpot top prize. The tickets are printed and played through the Agency agent's online terminal.
- 953.3            Each Fast Play Rolling Jackpot Smokin' Hot Dice ticket will cost \$1.00 per ticket.
- 953.4            Each \$1.00 play will be on a separate ticket and is not cancellable.
- 953.5            Each ticket will have one (1) "Smokin' Hot Roll" consisting of two die. Each Ticket will have twelve (12) "Your Rolls" consisting of two die per roll. There is

a random prize amount associated with each of the twelve (12) “Your Rolls”. A player wins by matching the sum of the “Smokin’ Hot Roll” to one or more of the twelve (12) “Your Rolls” Each of the “Your Rolls” are played separately. A player can win up to 5 times on a ticket, per the prize structure.

953.6 15% of sales from all Fast Play Rolling Jackpot Smokin’ Hot Dice will be added into a progressive jackpot. The base jackpot amount will begin at \$500 and return to this amount each time the jackpot is won.

953.7 The advertised jackpot will not begin increasing in value until the jackpot is funded and supports the base \$500 prize. In the event that the jackpot is won before the \$500 base is funded, the advertised jackpot will begin again at \$500 but not roll until the deficit from the underfunded jackpot is covered and the jackpot is fully funded. After the base jackpot of \$500 is funded, the jackpot will increase based on 15% of sales from the games per the prize structure.

Additionally, the overall odds and PRIZE LEGEND are printed on the game ticket.

**954 ROLLING JACKPOT SMOKIN’ HOT DICE PRIZE POOL AND PRIZE STRUCTURE**

954.1 Rolling Jackpot Smokin’ Hot Dice tickets will be drawn from a pool of two hundred forty thousand (240,000) tickets for (\$1); one dollar per ticket. The Prize payout will be 79.00%.

**The prize structure below shows the estimated average Rolling Jackpot amount.**

Prize Level	# of Wins	Find	Win	Odds per Grid	Expected Number of Winners/Grid	Total Prize	Prize %	Payout %	Percent Low Tier	Percent Mid Tier	Percent High Tier	Combined Probability per Tier
1	1	Jackpot*	\$3,000	20,000	12	\$ 36,000	18.99%	15.00%			18.99%	Jackpot 20000.00
2	1	\$500	\$500	48,000	5	\$ 2,500	1.32%	1.04%		1.32%		\$500 24000.00
3	5	\$100*5	\$500	48,000	5	\$ 2,500	1.32%	1.04%		1.32%		
4	1	\$100	\$100	48,000	5	\$ 500	0.26%	0.21%		0.26%		\$100 9230.77
5	2	\$50*2	\$100	40,000	6	\$ 600	0.32%	0.25%		0.32%		
6	4	\$25*4	\$100	16,000	15	\$ 1,500	0.79%	0.63%		0.79%		
7	1	\$50	\$50	16,000	15	\$ 750	0.40%	0.31%		0.40%		\$50 5333.33
8	5	\$10*5	\$50	8,000	30	\$ 1,500	0.79%	0.63%		0.79%		
9	1	\$25	\$25	2,400	100	\$ 2,500	1.32%	1.04%	1.32%			\$25 1200.00
10	5	\$5*5	\$25	2,400	100	\$ 2,500	1.32%	1.04%	1.32%			
11	1	\$10	\$10	471	510	\$ 5,100	2.69%	2.13%	2.69%			\$10 95.62
12	2	\$5*2	\$10	120	2,000	\$ 20,000	10.55%	8.33%	10.55%			
13	1	\$5	\$5	48	5,000	\$ 25,000	13.19%	10.42%	13.19%			\$5 48.00
14	1	\$2	\$2	9	28,000	\$ 56,000	29.54%	23.33%	29.54%			\$2 8.57
15	1	\$1	\$1	7	32,650	\$ 32,650	17.22%	13.60%	17.22%			\$1 7.35
<b>Total</b>				<b>3.51</b>	<b>68,453.00</b>	<b>\$ 189,600</b>	<b>100.00%</b>	<b>79.00%</b>	<b>75.82%</b>	<b>5.20%</b>	<b>18.99%</b>	

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

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

**ROLLING JACKPOT** – Displayed on a Rolling Jackpot Smokin’ Hot Dice Ticket. This progressive jackpot starts at \$1,000 and grows with each

ticket sold, once the jackpot is funded. The progressive jackpot is rounded down to the lower whole dollar amount, no progressive amount of pennies will be used. Any remaining pennies will be used to fund the next jackpot. The jackpot wins will be randomly located throughout the pool and therefore the actual jackpot amount when hit will fluctuate accordingly. The Progressive Jackpot is updated throughout the day. The percentage of jackpot paid to the winner depends on the price point of purchase.

**THE DISTRICT OF COLUMBIA  
LOTTERY AND CHARITABLE GAMES CONTROL BOARD**

**NOTICE OF EMERGENCY RULEMAKING**

The Executive Director of the District of Columbia Lottery and Charitable Games Control Board, pursuant to the authority set forth in the Law to Legalize Lotteries, Daily Numbers, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code §§ 3-1306, 3-1321 (2012 Repl.)); District of Columbia Financial Responsibility and Management Assistance Authority Order issued September 21, 1996; and Office of the Chief Financial Officer Financial Management Control Order No. 96-22 issued November 18, 1996, hereby gives notice of the adoption of amendments to Chapter 9 (Description of On-Line Games) of Title 30 (Lottery and Charitable Games) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking are necessary to create DC Lucky Sum a game enhancement for the DC3 and DC4 games. It is anticipated that these emergency regulations will generate additional funds for the District of Columbia.

This emergency rulemaking was adopted on August 1, 2014 and became effective on that date. These emergency rules will expire one hundred twenty (120) days from the date of adoption, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first. The Executive Director also gives notice of his intent to take final rulemaking action to adopt these amendments in no less than seven (7) days from the date of publication of this notice in the *D.C. Register*.

**Sections 955 and 956 of Chapter 9, DESCRIPTION OF ON-LINE GAMES, of Title 30, LOTTERY AND CHARITABLE GAMES, of the DCMR is amended to read as follows:**

**955 DC LUCKY SUM Game**

- 955.1 The Agency may conduct a game enhancement for the DC 3 and DC 4 on-line games called DC Lucky Sum to the public and for such time periods as determined by the Executive Director.
- 955.2 Lucky Sum is an add-on game feature to the *DC3* and *DC4* on-line games and offers the player another opportunity to win prizes by matching the sum of the selected numbers on the tickets to the sum of the numbers drawn.
- 955.3 A Lucky Sum play is a separate play from the *DC3* or *DC4* play. The Lucky Sum game is offered to players at an additional cost on top of the price of the specified draw game ticket. The actual cost of the Lucky Sum game will be the same cost as the specified draw game ticket (*i.e.*, for a \$1.00 draw game wager, the cost of the Lucky Sum game will be an additional \$1.00).
- 955.4 If selected, the words “Sum It Up” and the sum of the numbers played will be printed on the ticket. Each play will be on a separate ticket and is not cancellable.

955.5 Lucky Sum can be played for both day and evening drawings for *DC3* or *DC4* and excluding Front Pair and Back Pair for DC3 and Front Three and Back Three for DC4, Lucky Sum can be added to any of the play types. If Lucky Sum is selected, it will be applied to every wager produced by the play slip. If a play slip contains more than one play, then each play will produce a separate ticket.

**956 DC LUCKY SUM DC 3 & DC4 PRIZE POOLS AND PRIZE STRUCTURES**

956.1 Prizes won depend on whether the play is for \$.50 or \$1.00, as well as the odds of winning for the sum. The odds of matching some number combinations are greater than others. Prizes associated with winning Lucky Sum DC3 & DC4 numbers are detailed below:

DC 3 Lucky Sum Payout Chart

Tier	Sum of Numbers Played	Possible Combinations	Odds	Winners/1,000 Plays	Prize \$0.50 Base Play	\$.50 Payout per Tier	Prize \$1.00 Base Play	\$1 Payout per Tier
1	0	1	1,000.00	1.00	\$25.00	65%	\$50.00	65%
2	1	3	33.33	3.00	\$10.00	66%	\$20.00	66%
3	2	6	66.67	6.00	\$5.00	66%	\$10.00	66%
4	3	10	100.00	10.00	\$3.00	66%	\$6.00	66%
5	4	15	66.67	15.00	\$2.00	69%	\$6.00	69%
6	5	21	76.2	21.00	\$1.50	63%	\$3.00	63%
7	6	28	57.1	28.00	\$2.00	67%	\$4.00	67%
8	7	36	77.8	36.00	\$1.00	65%	\$8.00	65%
9	8	45	22.2	45.00	\$7.00	63%	\$4.00	63%
10	9	55	38.18	55.00	\$5.00	66%	\$2.00	66%
11	10	63	58.7	63.00	\$5.00	63%	\$0.00	63%
12	11	69	44.9	69.00	\$5.00	69%	\$0.00	69%
13	12	73	37.0	73.00	\$5.00	73%	\$0.00	73%
14	13	75	33.3	75.00	\$4.00	60%	\$8.00	60%
15	14	75	33.3	75.00	\$4.00	60%	\$8.00	60%
16	15	73	37.0	73.00	\$5.00	73%	\$0.00	73%
17	16	69	44.9	69.00	\$5.00	69%	\$0.00	69%
18	17	63	58.7	63.00	\$5.00	63%	\$0.00	63%
19	18	55	38.18	55.00	\$6.00	66%	\$2.00	66%
20	19	45	22.2	45.00	\$7.00	63%	\$4.00	63%
21	20	36	77.8	36.00	\$9.00	65%	\$8.00	65%
22	21	28	57.1	28.00	\$2.00	67%	\$4.00	67%
23	22	21	76.2	21.00	\$5.00	63%	\$3.00	63%
24	23	15	66.67	15.00	\$3.00	69%	\$6.00	69%
25	24	10	100.00	10.00	\$3.00	66%	\$6.00	66%
26	25	6	66.67	6.00	\$5.00	66%	\$10.00	66%
27	26	3	33.33	3.00	\$10.00	66%	\$20.00	66%
28	27	1	1,000.00	1.00	\$25.00	65%	\$50.00	65%

Average Estimated Payout: **65.79%** **65.79%**

DC 4 Lucky Sum Payout Chart

Tier	Sum of Numbers Played	Possible Combinations	Odds	Winners/1,000 Plays	Prize \$0.50 Base Play	\$.50 Payout per tier	Prize \$1.00 Base Play	\$1 Payout per tier
1	0	1	1:10,000.00	1.00	\$2,200.00	64%	\$6,400.00	64%
2	1	4	2,500.00	4.00	\$800.00	64%	\$6,600.00	64%
3	2	10	1,000.00	10.00	\$220.00	64%	\$6,640.00	64%
4	3	20	500.00	20.00	\$60.00	64%	\$6,680.00	64%
5	4	35	285.71	35.00	\$5.00	67%	\$6,690.00	67%
6	5	56	178.57	56.00	\$8.00	65%	\$6,696.00	65%
7	6	84	119.05	84.00	\$8.00	64%	\$6,696.00	64%
8	7	120	83.33	120.00	\$7.00	65%	\$6,694.00	65%
9	8	165	60.61	165.00	\$20.00	66%	\$6,690.00	66%
10	9	220	45.45	220.00	\$5.00	66%	\$6,690.00	66%
11	10	282	35.46	282.00	\$2.00	68%	\$6,694.00	68%
12	11	348	28.74	348.00	\$9.00	63%	\$6,698.00	63%
13	12	415	24.10	415.00	\$8.00	66%	\$6,696.00	66%
14	13	480	20.83	480.00	\$7.00	67%	\$6,694.00	67%
15	14	540	18.52	540.00	\$6.00	65%	\$6,692.00	65%
16	15	592	16.89	592.00	\$6.00	71%	\$6,692.00	71%
17	16	633	15.80	633.00	\$8.00	63%	\$6,690.00	63%
18	17	660	15.15	660.00	\$5.00	66%	\$6,690.00	66%
19	18	670	14.93	670.00	\$5.00	67%	\$6,690.00	67%
20	19	660	15.15	660.00	\$8.00	66%	\$6,690.00	66%
21	20	633	15.80	633.00	\$8.00	63%	\$6,690.00	63%
22	21	592	16.89	592.00	\$6.00	71%	\$6,692.00	71%
23	22	540	18.52	540.00	\$6.00	65%	\$6,692.00	65%
24	23	480	20.83	480.00	\$7.00	67%	\$6,694.00	67%
25	24	415	24.10	415.00	\$8.00	66%	\$6,696.00	66%
26	25	348	28.74	348.00	\$9.00	63%	\$6,698.00	63%
27	26	282	35.46	282.00	\$2.00	68%	\$6,694.00	68%
28	27	220	45.45	220.00	\$5.00	66%	\$6,690.00	66%
29	28	165	60.61	165.00	\$20.00	66%	\$6,690.00	66%
30	29	120	83.33	120.00	\$7.00	65%	\$6,694.00	65%
31	30	84	119.05	84.00	\$8.00	64%	\$6,696.00	64%
32	31	56	178.57	56.00	\$8.00	65%	\$6,696.00	65%
33	32	35	285.71	35.00	\$5.00	67%	\$6,690.00	67%
34	33	20	500.00	20.00	\$60.00	64%	\$6,680.00	64%
35	34	10	1,000.00	10.00	\$20.00	64%	\$6,640.00	64%
36	35	4	2,500.00	4.00	\$800.00	64%	\$6,600.00	64%
37	36	1	10,000.00	1.00	\$2,200.00	64%	\$6,400.00	64%

Average Estimated Payout: **65.44%** **65.44%**



GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-184  
July 30, 2014

**SUBJECT:** Appointment – District of Columbia Small and Local Business  
Opportunity Commission

**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 section 2321 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005, D.C. Law 16-33, D.C. Official Code § 2-218.21 (2012 Repl.), it is hereby **ORDERED** that:

1. **LLOYD HENRY**, who was nominated by the Mayor on March 31, 2014, and approved by the Council of the District of Columbia, following a forty-five day period of review, pursuant to Proposed Resolution 20-0719 on June 20, 2014, is appointed as a member of the District of Columbia Small and Local Business Opportunity Commission, for a term to end March 28, 2015.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.


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 VINCENT C. GRAY  
 MAYOR

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-185  
July 31, 2014


**SUBJECT:** Extension of the Term of the Mount Vernon Triangle Community Improvement District pursuant to the Business Improvement Districts Act of 1996, effective May 29, 1996, D.C. Law 11-134, D.C. Official Code § 2-1215.01 *et seq.* (2012 Repl.)

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2012 Repl.), and pursuant to section 2 of the Business Improvement Districts Act of 1996, effective May 29, 1996, D.C. Law 11-134, D.C. Official Code § 2-1215.01 *et seq.* (2012 Repl.), it is hereby **ORDERED** that:

1. The term of the Mount Vernon Triangle Community Improvement District currently set to expire on September 30, 2014, is hereby extended until the earliest to occur of September 30, 2019 or expiration of the Business Improvement Districts Act of 1996.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
 \_\_\_\_\_  
 VINCENT C. GRAY  
 MAYOR

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
INVESTIGATIVE AGENDA

WEDNESDAY, AUGUST 13, 2014  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On August 13, 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-AUD-00054 El Pulgarcito of America, LLC, 5313 GEORGIA AVE NW Retailer C Restaurant, License#: ABRA-076672

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2. Case#14-CC-00106 Georgia Brown's, 950 15TH ST NW Retailer C Restaurant, License#: ABRA-077127

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3. Case#14-CC-00089 Himalayan Heritage, 2305 18TH ST NW A Retailer C Restaurant, License#: ABRA-079577

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4. Case#14-AUD-00035 Bangkok One/China Cafe, 1411 K ST NW Retailer C Restaurant, License#: ABRA-070858

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5. Case#14-CC-00094 McCormick & Schmick Seafood Restaurant, 1652 K ST NW Retailer C Restaurant, License#: ABRA-026432

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6. Case#14-CC-00104 The Rhino-bar & Pumphouse, 3295 M ST NW Retailer C Tavern, License#: ABRA-000523

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7. Case#14-AUD-00032 Fiesta Restaurant and Lounge, 1327 Connecticut AVE NW Retailer C Restaurant, License#: ABRA-000882

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8. Case#14-CC-00105 City Tap House, 901 9TH ST NW Retailer C Restaurant, License#: ABRA-093546

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9. Case#14-CC-00103 Yang's Market, 138 U ST NE Retailer B Retail - Grocery, License#: ABRA-014531

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10. Case#14-CMP-00280 Signature Lounge, Retailer C Tavern, License#: ABRA-095535

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11. Case#14-PRO-00029 Rendezvous Lounge, 2226 18TH ST NW Retailer C Tavern, License#: ABRA-014272

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12. Case#14-PRO-00044 Big Chair Coffee & Grill, 2122 Martin Luther King Jr. AVE SE Retailer C Restaurant, License#: ABRA-085903

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
LEGAL AGENDA

WEDNESDAY, AUGUST 13, 2014 AT 1:00 PM  
2000 14<sup>th</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Settlement Agreement dated July 29, 2014 between ANC 4B and The VIP Room. *VIP Room*, 6201 3rd Street NW, Retailer CT, License No.: 94561.

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2. Review of Amendment to Settlement Agreement dated July 29, 2014 between ANC 4B and Takoma Station Tavern. *Takoma Station Tavern*, 6914 4th Street NW, Retailer CT, License No.: 94842.

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3. Review of Petition for Reconsideration from Roderic Woodson, Esq. on behalf of Holland & Knight LLP, dated July 28, 2014. *DC Eagle*, 37011 Benning Rd. NE, Retailer CT, License No.: 093984.

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4. Review of Opposition to Petition for Reconsideration from Paul Pascal, Esq. on behalf of Pascal & Weiss, P.C., dated August 4, 2014. *DC Eagle*, 37011 Benning Rd. NE, Retailer CT, License No.: 093984.

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5. Review of Reply to D.C. Eagle's Opposition to Petition for Reconsideration from Roderic Woodson, Esq. on behalf of Holland & Knight LLP, dated August 4, 2014. *DC Eagle*, 37011 Benning Rd. NE, Retailer CT, License No.: 093984.

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6. Review of Anis Amri's and Ahmed Bizri's Motion for Reconsideration of Board's Order to Place ABC License in Safekeeping from Paul Pascal, Esq. on behalf of Pascal & Weiss P.C, dated August 4, 2014. *Nomad Hookah Bar*, 1200 H Street, NE, Retailer CT, License No.: 087558.

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7. Review of Objection to Notice of Intent to Nullify and Void Settlement Agreement and Stay of Enforcement of Settlement Agreement for Cheerz, submitted by Alpha McPherson, President of GEEDDS, dated August 4, 2014. *Cheerz*, 7303 Georgia Avenue NW, Retailer CR, License No.: 095178.

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8. Review of Letter in Support of Objection to Board Order 2014-279 from Gina Masterson. *Cheerz*, 7303 Georgia Avenue NW, Retailer CR, License No.: 095178.

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9. Review of Letter in Support of Objection to Board Order 2014-279 from Sara Green, ANC 4B01 Commissioner, dated August 1, 2014. *Cheerz*, 7303 Georgia Avenue NW, Retailer CR, License No.: 095178.

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10. Review of Technical Amendment Rulemaking.

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**\* 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, AUGUST 13, 2014 AT 1:00 PM  
2000 14<sup>th</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping of license. ANC 3E. SMD 3E02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Fresh & Green*, 4330 48<sup>th</sup> Street NW, Retailer B Grocery, License No. 087502.

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2. Review Application for Substantial Change to increase seating capacity from 222 seats to 420 seats and add Entertainment Endorsement including dancing. ANC 2C. SMD 2C01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Mastro's Steakhouse*, 600 13th Street NW, Retailer CR04, License No. 096192.

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3. Review Change of Hours Application. *Approved Hours of Operation and Alcoholic Beverage Sales*: Monday-Saturday 10am to 8pm. *Proposed Hours of Operation and Alcoholic Beverage Sales*: Sunday-Saturday 10am to 10pm. ANC 1C. SMD 1C07. No outstanding violations. No pending enforcement matters. No Conflict with Settlement Agreement. *Le Liquors*, 1776 Columbia Road NW, Retailer A, License No. 090659.

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4. Review Corporate Name Change Application. ANC 6A. SMD 6A01. No outstanding fines/citations. No outstanding violations. Pending Enforcement matter. Settlement Agreement. *Nomad Hookah Bar*, 1200 H Street NE, Retailer CT01, License No. 087558.

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**\*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.**

**DC MAYOR'S OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS****DC MAYOR'S COMMISSION ON ASIAN AND  
PACIFIC ISLANDER AFFAIRS****NOTICE OF REGULAR MEETING**

The DC Mayor's Commission on Asian and Pacific Islander Affairs will be holding its regular meeting on Tuesday, August 12, 2014 at 6:30 pm.

This meeting will be in lieu of the previously scheduled meeting on July 31, 2014.

The meeting will be held at the OAPIA office at One Judiciary Square, 441 4<sup>th</sup> Street NW, Suite 721N, Washington, DC 20001. The location is closest to the Judiciary Square metro station on the red line of the Metro. All commission meetings are open to the public. If you have any questions about the commission or its meetings, please contact [oapia@dc.gov](mailto:oapia@dc.gov) or Andrew Chang at [andrew.chang@dc.gov](mailto:andrew.chang@dc.gov). Telephone: (202) 727-3120.

The DC Commission on Asian and Pacific Islander Affairs convenes monthly meetings to discuss current issues affecting the DC AAPI community.



**OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS  
NOTICE OF FUNDING AVAILABILITY  
FY2015 Asian American and Pacific Islander Community Grant**

**Background information on the grant:**

The Mayor's Office on Asian and Pacific Islander Affairs (OAPIA) is soliciting grant applications from qualified community-based organizations (CBOs) providing direct services to the District's Asian American and Pacific Islander (AAPI) residents and/or merchants for its FY 2015 Asian American and Pacific Islander Community Grant. The grant is intended to fund programs that provide direct services to the District's AAPI residents and/or merchants in the areas of employment, small business support, public education, public safety, housing services, legal services, health and human services, arts, culture and the humanities, Vietnamese American youth academic and mentoring services, and/or domestic violence intervention.

**Amount of grant funds available and number of awards:**

OAPIA expects to award up to 20 grants. Eligible CBOs can be funded up to \$75,000.

**Eligible organizations and entities:**

Applicants must meet all of the following conditions:

- Is a nonprofit – 501(c)(3) – organization
- Program/organization serves primarily AAPI residents and/or merchants
- Program is located in the District of Columbia

**Program scope:**

The focus of the grant will be to fund culturally and linguistically appropriate direct services in the following focus areas: employment, small business support, public education, public safety, housing services, legal services, health and human services, arts, culture and the humanities, Vietnamese American youth academic and mentoring services, and/or domestic violence intervention to the District's AAPI residents and merchants.

**Release date of RFA:** Friday, August 15, 2014

**Availability of RFA:** Download at OAPIA's website ([www.apia.dc.gov](http://www.apia.dc.gov)) and/or pick up a copy at the OAPIA office located at 441 4<sup>th</sup> Street, NW, Suite 721N, Washington, DC 20001

**Pre-bidder's conference:** Wednesday, August 20, 2014 from 10:00 a.m. – 12:00 noon  
441 4<sup>th</sup> Street, NW, Room 1112 South  
Washington, DC 20001

**Deadline for submission:** Monday, September 15, 2014 at 12:00 noon  
441 4<sup>th</sup> Street, NW, Suite 721 North  
Washington, DC 20001

**Contact name:** Neel Saxena, Grant Manager, (202) 727-3120, [neel.saxena@dc.gov](mailto:neel.saxena@dc.gov)

**DEPARTMENT OF BEHAVIORAL HEALTH****AMENDED NOTICE OF MORATORIUM ON ISSUANCE OF NEW MHCRF  
LICENSES**

The Director of the D.C. Department of Behavioral Health (DBH), pursuant to the authority set forth in sections 5113, 5115, 5117 and 5118 of the “Department of Behavioral Health Establishment Act of 2013,” effective December 24, 2013, D.C. Law 20-0061, 60 DCR 12523, hereby gives notice that effective August 22, 2014, DBH will not accept applications from business entities or individuals seeking licensure for a mental health community residence facility pursuant to Title 22-B of the D.C. Municipal Regulations, Chapters 31 and 38. Applications submitted on or after August 22, 2014 will be returned to the provider and will not be reviewed or processed by DBH. This Amended Notice rescinds and replaces the Notice of Moratorium published on August 1, 2014, at 61 DCR 007937.

Applications that are currently under review by the Office of Accountability, Division of Licensure will be processed in accordance with applicable laws and regulations.

DBH is in the process of reviewing housing support needs for persons within its system of care in order to better align services and housing options with the needs of consumers, in the least restrictive environment. A part of this process is a rate review for mental health community residence facilities that receive contract support from DBH. After the rate review is completed, the Department plans to publish new per diem rates for licensed mental health community residence facilities. The Department will evaluate the need for additional mental health community residence facilities in the new fiscal year after completion of the rate review and publication of new per diem rates.

DBH also reserves the right to temporarily lift this moratorium to receive a specified number of applications, if there is an immediate need to license additional mental health community residence facilities in order to meet the needs of persons within the DBH system of care.

If you have any questions, you may contact Ms. Atiya Frame-Shamblee, Deputy Director of Accountability, Department of Behavioral Health, 64 New York Avenue, NE, Third Floor, Washington, D.C. 20002, telephone (202) 673-2245, or [atiya.frame@dc.gov](mailto:atiya.frame@dc.gov).

**CAPITAL CITY PUBLIC CHARTER SCHOOL**

**Notice of Intent**

Capital City Public Charter School would like to notify their intent to use services or contract with the following:

Washington Gas: Gas

Pepco: Electricity

DC Water and Sewer Authority: Water and Sewer

Feel free to contact Arogya Singh at [asingh@ccpcs.org](mailto:asingh@ccpcs.org) with any questions.

**COMMUNITY COLLEGE PREPARATORY ACADEMY PUBLIC CHARTER  
SCHOOL****REQUEST FOR PROPOSALS**

The Community College Preparatory Academy Public Charter School solicits expressions of interest in the form of proposals with references from qualified vendors for the two (2) services listed below.

**Business Services:**

1. Technology consulting – support the school’s technology needs with installation, maintenance, repair, and professional development.
2. Auditing Services - Community College Preparatory Academy PCS in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals to conduct the Annual Financial Audit and A-133 Audit as well as prepare Forms 990 and 5500. Auditors must be on the PCSB’s Approved Auditors List. Providers must state their credentials, provide appropriate licenses and specify a timeline to conduct the audit so that Community College Preparatory Academy PCS is in compliance with PCSB’s regulations.

Questions and proposals may be e-mailed to [rfp@ccprep-academy.org](mailto:rfp@ccprep-academy.org) with the subject line describing the type of service. Deadline for submissions is **12:00 pm Thursday, August, 14, 2014**. No phone calls please.

Proposals should be sent to:

Monica Jones  
Director of Operations  
Community College Preparatory Academy  
[rfp@ccprep-academy.org](mailto:rfp@ccprep-academy.org)

**DISTRICT OF COLUMBIA BILINGUAL PUBLIC CHARTER SCHOOL****NOTICE OF INTENT TO AWARD SOLE SOURCE CONTRACT**

The District of Columbia Bilingual Public Charter School hereby submits a notice of intent to award a sole source firm fixed price contract to the Achievement Network based on their roles as a unique niche provider of interim assessments that give the school timely, actionable and student-specific data. This data combined with the professional development associated with the network create a unique support to teachers and students not found in other vendors.

**All questions and inquiries should be addressed to:**

Hannah Buie  
School Operations Manager  
DC Bilingual PCS  
1420 Columbia Rd NW  
Washington, DC 20009  
Or via email to [hbuie@centronia.org](mailto:hbuie@centronia.org)

**DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY  
BOARD OF DIRECTORS MEETING**

August 12, 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 July 22, 2014 board meeting.
- III. Vote to close meeting to discuss the approval of The Gregory Apartments project and bond transaction and The Yards Parcel N 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 Gregory Apartments project and bond transaction and The Yards Parcel N 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 DCHFPA Final Bond Resolution No. 2014-09 for The Gregory Apartments.
- VI. Consideration of DCHFPA Final Bond Resolution No. 2014-10 for The Yards Parcel N.
- VII. Interim Executive Director's Report.
- VIII. Other Business.
  - Discussion – Parkway Overlook
- IX. Adjournment.

**FRIENDSHIP PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Signage**

**Friendship Public Charter School** is soliciting proposals from qualified vendors to design, create and install signage. The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>.

Proposals are due no later than 5:00 P.M., EST, August 15th, 2014. No proposals will be accepted after the deadline. Questions can be addressed to [ProcurementInquiry@friendshipschools.org](mailto:ProcurementInquiry@friendshipschools.org)

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

The Executive Board of the Health Benefit Exchange Authority, pursuant to the requirements of Section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-0094), hereby announces a public meeting of the Executive Board. The meeting will be held via teleconference on **Thursday, August 7, 2014 at 4:00 pm**. The call in number is 1-877-668-4493, Access code 732 833 618.

The Executive Board meeting is open to the public.

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



**DEPARTMENT OF HEALTH  
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

**NOTICE OF MEETING**

Board of Medicine  
August 14, 2014

On AUGUST 14, 2014 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed from 8:30 am until 10:30 am to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting will be open to the public from 10:30 am to 11:30 am 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 12:00 pm.

The meeting location is 899 North Capitol Street NE, 2<sup>nd</sup> Floor, Washington, DC 20002.

Meeting times and/or locations are subject to change – please visit the Board of Medicine website [www.doh.dc.gov/bomed](http://www.doh.dc.gov/bomed) and select BoMed 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.

**IDEA PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSAL****Grocery Items**

IDEA Public Charter School is advertising the opportunity to bid on the delivery of Grocery Items to school site for the 2014-2015 school year, with a possible extension of two (2) one year renewals in support of the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal program requirements. Additional specifications outlined in the Request for Proposals (RFP) such as; student data, days of service, meal quality, etc. may be obtained beginning on August 1, 2014 from Nicole Seward at 202-399-4750 or [sewardn@ideapcs.org](mailto:sewardn@ideapcs.org)

Proposals will be accepted at 1027 45<sup>th</sup> Street, NE, Washington, DC 20019 on August 19, 2014, no later than 2 p.m.

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



BAZ/30/14

**IDEAL ACADEMY PUBLIC CHARTER SCHOOL****PUBLIC NOTIFICATION****National School Lunch Program Participant**

Ideal Academy Public Charter School strives to provide healthy and nutritious meals. To achieve this goal, we have partnered with the USDA and are participants in the National School Breakfast and Lunch programs during the 2014-2015 school year. We will abide by all rules and regulations outlined by the USDA. In addition to the meals we serve with the National School Breakfast and Lunch programs we will also participate in the Fresh Fruits and Vegetables program.

The U.S. Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, DC 20250-9410, by fax (202)690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov). Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.

Also, the District of Columbia Human Rights Act, approved December 13, 1977 (DC Law 2-38; DC Official Code §2-1402.11(2006), as amended) States the following:

Pertinent section of DC Code §2-1402.11:

It shall be an unlawful discriminatory practice to do any of the following acts, wholly or partially for a discriminatory reason based upon the actual or perceived; race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, genetic information, disability, matriculation, or political affiliation of any individual. To file a complaint alleging discrimination on one of these bases, please contact the District of Columbia's Office of Human Rights at (202) 727-3545.

**KIPP DC PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Interior Painting**

KIPP DC is soliciting proposals from qualified vendors for Interior Painting Services. The competitive Request for Proposal can be found by emailing Jason Salsbury at **BOTH** [JSalsbury@pmmcompanies.com](mailto:JSalsbury@pmmcompanies.com) and [procurement@kipfdc.org](mailto:procurement@kipfdc.org). Proposals are due no later than 5:00 P.M., EST, August 15, 2014. No proposals will be accepted after the deadline.

**Catering Services**

KIPP DC, a public charter school, is looking for a catering company in the DC area to provide food and beverage for an event on Saturday September 27, 2014 from 1:00pm-3:00pm at an offsite location in Washington, DC. KIPP DC will accept proposals until 5:00pm, EST, on August 15, 2014. For a full RFP and/or more details, please email Rachel Yost at **BOTH** [Rachel.Yost@kipfdc.org](mailto:Rachel.Yost@kipfdc.org) and [procurement@kipfdc.org](mailto:procurement@kipfdc.org).

**Waterproofing Services – Bid Deadline Extension**

KIPP DC is soliciting proposals from qualified vendors for Waterproofing Services. The competitive Request for Proposal can be found by emailing Jason Salsbury at **BOTH** [JSalsbury@pmmcompanies.com](mailto:JSalsbury@pmmcompanies.com) and [procurement@kipfdc.org](mailto:procurement@kipfdc.org). Proposals are due no later than 5:00 P.M., EST, August 15, 2014. No proposals will be accepted after the deadline.

**MERIDIAN PCS**  
**REQUEST FOR PROPOSALS**  
**Special Education Related Services**

The Meridian Public Charter School will receive Bids until Friday 8/22/2014 for the following:

1. Delivery of special education related services to include:
  - a. \*Occupational Therapy
  - b. \*Physical Therapy
  - c. \*Speech Therapy
  - d. \*Comprehensive Evaluation (and separated by specialty if appropriate)
  - e. \*FBA/BIP Creation
  - f. \*Behavior and Social Therapy/Counseling
  - g. \*Assistive Technology

Specific proposal for bids and all necessary criteria may be obtained from:

Darin A. Knicely, Ed.S.  
Chief Officer of Accountability  
Meridian Public Charter School  
dknicely@meridian-dc.org

**MONUMENT ACADEMY**  
**REQUESTS FOR PROPOSALS**

**Commercial Real Estate Brokerage Services**

The Charter School Incubator Initiative in partnership with Monument Academy Public Charter School invite all interested parties to submit proposals to provide commercial real estate brokerage services for a start-up residential public charter school.

The required date for site control is December 1, 2014 and for site delivery ready to occupy by July 1, 2015.

The complete RFP can be obtained by contacting [rfp@bhope.org](mailto:rfp@bhope.org).

RFPs will be distributed starting August 12, 2014 and are due by 5:00 p.m. on August 26, 2014.

**NATIONAL COLLEGIATE PREPARATORY PUBLIC CHARTER HIGH  
SCHOOL**

**REQUEST FOR PROPOSALS**

National Collegiate Preparatory Public Charter High School is requesting bids for various services for the 2014-15 school year. Services required include the following:

- Special Education Services
- Event Catering/Rental Supplies
- Promotional Materials
- IT Services
- Student Transportation Services
- Instructional Materials & Supplies
- Public Relations Services
- Part-time Sign Language Teacher
- Travel Agent

If you are a vendor/entrepreneur and are interested in offering any of these services to our school, please e-mail Eric Stultz, Business Manager, at [estultz@nationalprepdc.org](mailto:estultz@nationalprepdc.org) for further information on what will be required to fulfill the contract. Please also note that all bids must include evidence of experience in the field, the qualifications of principles, and estimated fees, and *three (3) copies* of all proposals must be mailed or delivered to the following address **by 4 pm on Monday, August 18th, 2014:**

Mr. Eric Stultz  
Business Manager  
4600 Livingston Rd SE  
Washington, DC 20032

*Please include on the envelope the type of service you and/or your company is offering\**

**THE NOT-FOR-PROFIT HOSPITAL CORPORATION****BOARD OF DIRECTORS****NOTICE OF CLOSED MEETING**

The Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, will hold a closed session conference call meeting pursuant to D.C. Official Code §§ 2-575(b)(2),(4A)(10) at 2:00pm on Wednesday, August 6, 2014. Notice of this meeting will be posted in the Not-For-Profit Hospital Corporation, and published in the D.C. Register.

**DRAFT AGENDA****I. CALL TO ORDER****II. DETERMINATION OF A QUORUM****III. APPROVAL OF AGENDA****IV. BOARD DISCUSSION**

Contracts; Chief Executive Officer; Legal Advice - (D.C. Official Code §§ 2-575(b)(2)(4A)(10))

**V. ANNOUNCEMENT**

The next Governing Board Meeting will be held 9:00 a.m., September 25, 2014 at United Medical Center in Conference Room 2/3.

**VI. ADJOURNMENT**



**OPTIONS PUBLIC CHARTER SCHOOL**  
**REQUESTS FOR PROPOSALS**

**Multiple Services**

Options Public Charter School is accepting proposals with references from qualified vendors for each of the services listed below:

1. **Auditing services** by PCSB-approved auditor: Perform annual audit and A-133 audit.
2. **Copier services**: Provide contract for copiers, including service and maintenance.
3. **Homebound instruction and services**: Provide one-on-one tutoring to students pursuant to individualized education programs.
4. **Student transportation**: Provide daily roundtrip bus service from multiple DC locations to the school in the morning and from the school in the afternoon, with additional services as needed.
5. **Technology project management**: Manage tasks and programs related to student information system, public website, security and surveillance systems, student assessment readiness, and other technology projects.

Email questions and proposals to [proposals@optionsschool.org](mailto:proposals@optionsschool.org) with the type of service in the subject line. Deadline for submissions is 3:00 p.m. on Friday, August 15, 2014. Appointments for presentations or walkthroughs will be scheduled at the discretion of the school after receipt of proposals only. **No phone calls please.**

**PERRY STREET PREP PUBLIC CHARTER SCHOOL****NOTICE: FOR PROPOSALS FOR MULTIPLE SERVICES**

The Perry Street Prep Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for the following services:

- Trash Services

Please go to [www.pspdc.org/bids](http://www.pspdc.org/bids) to view a full RFP offering, with more detail on scope of work and bidder requirements.

Proposals shall be received no later than 5:00 P.M., Monday, August 18, 2014.

Prospective Firms shall submit one electronic submission via e-mail to the following address:

Bid Administrator  
[psp\\_bids@pspdc.org](mailto:psp_bids@pspdc.org)

Please include the bid category for which you are submitting as the subject line in your e-mail (e.g. Food Service). Respondents should specify in their proposal whether the services they are proposing are only for a single year or will include a renewal option.

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

## NOTICE OF PROPOSED TARIFF

**FORMAL CASE NO. 988, IN THE MATTER OF THE DEVELOPMENT OF UNIVERSAL SERVICE STANDARDS AND THE UNIVERSAL SERVICE TRUST FUND FOR THE DISTRICT OF COLUMBIA**

1. The Public Service Commission of the District of Columbia (“Commission”), pursuant to its authority under D.C. Official Code § 34-802 (2001), and D.C. Official Code § 34-2003 (2014 Supp.) hereby gives notice of its intent to act upon the Application of Verizon Washington, DC Inc. (“Verizon DC”)<sup>1</sup> in the above-captioned matter. Pursuant to D.C. Official Code § 2-505 (2001), the Commission will act upon the Application in not less than thirty (30) days after the date of publication of this Notice of Proposed Tariff (“NOPT”) in the *D.C. Register*.

2. On July 30, 2014, Verizon DC filed an application requesting authority to amend the following tariff page:

**GENERAL REGULATIONS TARIFF P.S.C.-D.C.-NO. 201  
Section 1A, 8<sup>th</sup> Revised Page 3**

3. Verizon DC identifies the proposed tariff amendment as an update to its Universal Service Trust Fund surcharge, which is required by Chapter 28 of the Commission’s Rules of Practice and Procedure. The surcharge is being updated to true-up the 2013 payments with the amounts actually billed to customers, and to adjust the surcharge for the 2014 assessment. Verizon DC provides confidential calculations in its Attachment 1. Verizon DC notes that its calculations in Attachment 1 are based on an implementation date of August 1, 2014, but because Verizon DC cannot provide its customers with notice of the surcharge change until September 2014, and because the Commission needs time to review this tariff change prior to its implementation, Verizon DC requests an effective date of October 1, 2014, for this tariff amendment. Any differential will true-up in the next DC USTF surcharge filing pursuant to 15 DCMR § 2815.4.<sup>2</sup>

4. With the approval of this Application, the monthly per line surcharge will be \$0.29 per non-Centrex line and \$0.036 (rounded to \$0.04) per Centrex line. Verizon DC represents that this Application decreases the surcharge \$0.03 for non-Centrex lines and \$0.003 for Centrex lines. However, when rounded up to \$0.04, the per line surcharge for Centrex lines remains the same as the 2013 surcharge for Centrex lines. Verizon DC requests expedited

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<sup>1</sup> *Formal Case No. 988, In the Matter of the Development of Universal Service Standards and the Universal Service Trust Fund for the District of Columbia*, District of Columbia Universal Service Trust Fund Surcharge Compliance Filing for August 2014 (“Verizon DC Application”), filed July 30, 2014.

<sup>2</sup> Verizon DC Application at 2.

treatment of this tariff pursuant to Chapter 35 of the Commission's rules, so that this tariff would become effective October 1, 2014.<sup>3</sup>

5. The complete text of this Application is on file with the Commission. The proposed tariff revision is on file with the Commission and may be reviewed at the Office of the Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, NW, West Tower, Suite 200, Washington, DC 20005 between the hours of 9:00 am and 5:30 pm Monday through Friday. Copies of Verizon DC's Application may be obtained by visiting the Commission's website at [www.dcpsc.org](http://www.dcpsc.org). Once at the website, open the "eDocket" tab, click on "Search database" and input "FC 988" as the case number and "1034" as the item number. Copies of the Verizon DC Application may also be purchased, at cost, by contacting the Commission Secretary at (202) 626-5150 or [bwestbrook@psc.dc.gov](mailto:bwestbrook@psc.dc.gov).

6. All persons interested in commenting on Verizon DC's Application may submit written comments and reply comments not later than thirty (30) and forty-five (45) days, respectively, after publication of this notice in the *D.C. Register* to Brinda Westbrook-Sedgwick, Commission Secretary, at the above address. After the comment period has expired, the Commission will take final action on Verizon DC's Application.

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<sup>3</sup> Verizon DC Application at 2.

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA**

**PUBLIC NOTICE**

**FORMAL CASE NO. 1121, IN THE MATTER OF THE APPLICATION OF POTOMAC ELECTRIC POWER COMPANY FOR ISSUANCE OF A FINANCING ORDER UNDER THE ELECTRIC COMPANY INFRASTRUCTURE IMPROVEMENT FINANCING ACT**

The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to Section 303(a)(1) of the Electric Company Infrastructure Improvement Financing Act of 2014 (“Act”) (D.C. Law Act 20-102, effective May 3, 2014), that on August 1, 2014, the Potomac Electric Power Company (“Pepco”) filed an application requesting that the Commission issue a financing order that, *inter alia*, (a) authorizes the creation of the DDOT Underground Electric Company Infrastructure Improvement Property and (b) approves the imposition, billing and collection of the DDOT Underground Electric Company Infrastructure Improvement Charge.

Pursuant to the Act, the proposed DDOT Underground Electric Company Infrastructure Improvement Charge will be a non-bypassable, volumetric distribution surcharge to be collected by Pepco, as Servicing Agent for the District of Columbia (“District”), from all customers, except low income customers served under Pepco’s Residential Aid Discount Rider. The surcharge is to pay Debt Service and all other Ongoing Financing Costs of the Bonds that will be issued by the District to fund the DDOT Underground Electric Company Infrastructure Improvement Activities. The Application requests that the initial DDOT Underground Electric Company Infrastructure Improvement Charge become effective upon issuance of the Bonds.

The estimated DDOT Underground Electric Company Infrastructure Improvement Charge represents a total increase of approximately 4.2 cents per day for a typical residential customer who uses 695 kWh per month. The estimated DDOT Underground Electric Company Infrastructure Improvement Charge is designed to collect \$25,845,061 in total revenues during the first 12 months which will be sufficient to pay Debt Service on the Bonds and all other Ongoing Finance Costs for the first 12 months after the issuance of the Bonds. The final amount of the DDOT Underground Electric Company Infrastructure Improvement Charge will be determined by the District based on the actual details of the Bonds issued which information is required to be filed with the Commission in an Issuance Advice Letter no later than 5:00 p.m. on the next business day after the sale of Bonds.

The projected initial DDOT Underground Electric Company Infrastructure Improvement Charge rates for each Rate Schedule are as follows:

<u>Rate Schedule</u>		
R	\$0.00181	per kWh
AE	\$0.00118	per kWh

RTM	\$0.00440	per kWh
GS ND	\$0.00383	per kWh
T	\$0.00383	per kWh
GS LV	\$0.00552	per kWh
GS 3A	\$0.00278	per kWh
GT LV	\$0.00336	per kWh
GT 3A	\$0.00191	per kWh
GT 3B	\$0.00022	per kWh
RT	\$0.00209	per kWh
SL/TS	\$0.00060	per kWh
TN	\$0.00165	per kWh

The average monthly effects of the proposed DDOT Underground Electric Company Infrastructure Improvement Charge in the first 12 months after the issuance of the Bonds will be:

<u>Rate Schedule*</u>	<u>Average Monthly Usage</u>	<u>\$</u>	<u>Monthly Increase for Standard Offer Service Customers</u>	
			<u>Total Bill**</u>	<u>% of average monthly Bill</u>
Residential - Standard (R )	695	\$	1.26	1.4%
Residential - All Electric (AE)	712	\$	0.84	0.9%
Residential Aid Discount (RAD)	574	NA		NA
Residential Aid Discount - All Electric (RAD AE)	758	NA		NA
Residential Time-of-Use (RTM)	3,813	\$	16.78	2.9%
GS Non-Demand (GS ND)	1,236	\$	4.73	2.6%
GS Low Voltage (GS LV)	9,526	\$	52.58	4.0%
GS Primary (GS 3A)	23,609	\$	65.63	2.0%
Temporary	5,259	\$	20.14	2.6%
GT – Low Voltage (GT LV)	142,761	\$	479.68	3.3%
GT – Primary (GT 3A)	1,506,974	\$	2,878.32	2.2%
GT - High Voltage (GT 3B)	18,226,209	\$	4,009.77	0.2%
Rapid Transit (RT)	27,090,884	\$	56,619.95	7.0%
Street Lighting (SL) and Traffic Signals (TS) combined	604,133	\$	362.48	0.2%
Telecommunications Network (TN)	918	\$	1.51	1.0%
Street Lighting Maintenance (SSL OH and SSL UG)		NA		NA

\* The effect of the proposed DDOT Underground Electric Company Infrastructure Improvement Charge on any particular customer is dependent upon the actual usage of the customer. Increases shown are for customers with the average monthly usage.

\*\* Standard Offer Service customers purchase their electricity from Pepco. For those customers who purchase their electricity from competitive suppliers (*i.e.*, suppliers other than Pepco), the dollar amounts and percentages in the Total Bill column are not applicable. The DDOT Underground Electric Company Infrastructure Improvement Charge will still be applicable to such customers.

As discussed in the Application and as further detailed in the triennial Underground Infrastructure Improvement Projects Plan (the “Triennial Plan”) filed by Pepco and the District of Columbia Department of Transportation (“DDOT”) in Formal Case No. 1116, DDOT will undertake the construction and other civil work necessary to place conduit underground thereby facilitating the undergrounding of electric distribution feeders. The cost of the work to be performed by DDOT and related costs will be funded partially from the proceeds of the sale of the Bonds.

The DDOT Underground Electric Company Infrastructure Improvement Charge is intended to assure the collection of funds sufficient to permit the timely payment of the scheduled principal of and interest on the Bonds as well as other Ongoing Financing Costs. The Act allows the costs incurred by Pepco to be recovered by Pepco through the Underground Project Charge, a separate surcharge that the Commission is reviewing in Formal Case No. 1116 for which a public notice was issued on June 27, 2014 (61 D.C. Reg. 006687).

The Commission will hold a public hearing on the proposed financing order application on **September 9, 2014, at 6:00 p.m.** in the Commission’s Hearing room at 1333 H Street, NW, 7<sup>th</sup> Floor East Tower, Washington, D.C. 20005.

Any person desiring to intervene in this proceeding shall file a petition to intervene with the Commission no later than **August 22, 2014**. All petitions to intervene shall conform to the requirements of the Commission’s Rules of Practice and Procedure as set forth in Chapter 1, Section 106 of Title 15 of the District of Columbia Municipal Regulations (15 DCMR § 106).

Any person desiring to comment on the Application, including the Triennial Plan, may file comments with the Commission no later than **September 15, 2014**.

All written comments and petitions for intervention should be sent to Ms. Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1333 “H” Street, NW 2<sup>nd</sup> Floor, West Tower, Washington, D.C. 20005.

The Application is available for viewing on the Commission’s website ([www.dcpssc.org](http://www.dcpssc.org)) and inspection at the Commission’s Office of the Commission Secretary, 1333 “H” Street, NW, 2<sup>nd</sup> Floor – West Tower between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday. Copies of the Application can be purchased at the Commission at a cost of \$0.10 per page, actual reproduction cost. The Application may also be inspected at the following public libraries:

<b>Ward</b>	<b>Name and Address</b>
	Martin Luther King Jr. Memorial Library 901 G Street, NW Washington, DC 20001
Ward 1	Mount Pleasant Library 3160 16 <sup>th</sup> Street, NW Washington, DC 20010
Ward 2	Southwest Library 900 Wesley Place, SW Washington, DC 20024
Ward 3	Cleveland Park Library 3310 Connecticut Avenue, NW Washington, DC 20008
Ward 4	Petworth Library 4200 Kansas Avenue, NW Washington, DC 20011
Ward 5	Woodridge Library 1790 Douglas Street, NE Washington, DC 20018
Ward 6	Southeast Library 403 7 <sup>th</sup> Street, SE Washington, DC 20003
Ward 7	Capitol View Library 5001 Central Avenue, SE Washington, DC 20019
Ward 8	Washington-Highlands Library 115 Atlantic Street, SW Washington, DC 20032



**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA****PUBLIC NOTICE****RM27-2014-01, IN THE MATTER OF THE COMMISSION'S INVESTIGATION INTO THE RULES GOVERNING LOCAL EXCHANGE CARRIER QUALITY OF SERVICE STANDARDS FOR THE DISTRICT**

1. By this Public Notice, the Public Service Commission of the District of Columbia ("Commission") informs interested persons of an extension of time to file comments and reply comments relating to a Notice of Proposed Rulemaking ("NOPR") published in this proceeding on July 11, 2014, in the *D.C. Register*.<sup>1</sup> The NOPR seeks to amend 15 DCMR § 2720, the retail quality of service rules applicable to telecommunications service providers.

2. Through this Public Notice, the Commission extends the comment period for any interested person from August 11, 2014 to September 22, 2014, and extends the reply comment deadline for any interested person to October 14, 2014.

3. All persons interested in commenting on the subject matter of the NOPR shall file comments and reply comments with Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., West Tower, Suite 200, Washington, DC 20005. Copies of the NOPR may be obtained by visiting the Commission's website at [www.dcpssc.org](http://www.dcpssc.org) or at cost, by contacting the Commission Secretary at the above address.

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<sup>1</sup> 61 *D.C. Reg.* 7057 (July 11, 2014).

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

## NOTICE OF FINAL TARIFF

**TT00-5, IN THE MATTER OF VERIZON WASHINGTON DC, INC.'S PUBLIC OCCUPANCY SURCHARGE GENERAL REGULATIONS TARIFF, P.S.C.-D.C. No. 201**

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Official Code and in accordance with Section 2-505 of the District of Columbia Official Code,<sup>1</sup> of its final action in the above-captioned proceeding. On July 30, 2014, the Commission released Order No. 17578, approving the Rights-of-Way (ROW) Use Fee Compliance Filing for 2014 and the ROW Amended Surcharge Update for 2013 of Verizon Washington, DC Inc. (Verizon or the Company).<sup>2</sup>

2. On July 31, 2013, in accordance with D.C. Code § 10-1141.06, Verizon filed a ROW Surcharge Rider,<sup>3</sup> notifying the Commission of the Company's intent to implement the updated surcharge for non-Centrex and Centrex lines as of August 1, 2013.<sup>4</sup> The ROW Surcharge Rider is the means by which Verizon recovers from its customers the lease payments that Verizon makes to the District of Columbia for use of the public ROW.<sup>5</sup> The Surcharge Update was accompanied by data and analysis that Verizon believed supports the filing. In our review of the Surcharge Update, we noted a significant increase in the ROW Surcharge proposed for non-Centrex lines (*i.e.*, an increase of \$1.26, from \$2.97 to \$4.23, which was an overall increase of 43%). Additionally, the accompanying data and analysis did not contain an explanation for this significant increase. Consequently, the Commission Order Nos. 17237<sup>6</sup> and 17315<sup>7</sup> to ascertain the reasons for the sharp increase in the ROW Surcharge and to gain

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<sup>1</sup> D.C. Code §§ 2-505 and 34-802 (2001).

<sup>2</sup> *TT00-5, In the Matter of Verizon Washington, DC Inc.'s Public Occupancy Surcharge General Regulations Tariff, P.S.C.-D.C. No. 201 (TT00-5)*, Verizon Washington, DC Inc.'s Rights-of-Way (ROW) Use Fee Compliance Filing for 2014, filed May 12, 2014 (ROW Compliance Filing); Verizon Washington, DC Inc.'s Amended Surcharge Update for 2013, filed May 12, 2014 (Amended Surcharge Update).

<sup>3</sup> *TT00-5*, Letter to Brinda Westbrook-Sedgwick, Commission Secretary, from Kathy L. Buckley, Vice President for State Government Affairs – Mid-Atlantic Region, RE: TT00-5 DC Rights-of-Way Use Fee Compliance Filing for July 2013 Updated Effective August 2013 (Surcharge Update), filed July 31, 2013.

<sup>4</sup> *TT00-5*, Surcharge Update at 1.

<sup>5</sup> D.C. Code, § 10-1141.06 (2001), states that "Each public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement."

<sup>6</sup> *TT00-5*, Order No. 17237, at ¶ 6, rel. September 6, 2013.

<sup>7</sup> *TT00-5*, Order No. 17315, rel. December 5, 2013.

additional information from Verizon regarding what portion of its facilities was needed to support its regulated customers, who are subject to the ROW Surcharge, versus what portion of its facilities was needed to support its unregulated customers, who are not subject to the ROW Surcharge.<sup>8</sup>

3. Verizon provided its responses and supplemental responses to Order Nos. 17237 and 17315.<sup>9</sup> In Verizon's Supplemental Response provided that the ROW Surcharge for non-Centrex lines will decrease by one cent from the amount given in the July 31, 2013, Surcharge Filing from \$4.23 to \$4.22, and sought Commission approval of the reduction of the ROW Surcharge fee for non-Centrex lines.<sup>10</sup> The Supplemental Response stated that the ROW Surcharge fee for the Centrex lines remains the same.<sup>11</sup> On April 30, 2014, the Commission issued Order No. 17476, wherein we decided that a Supplemental Response was not the appropriate vehicle for approval of the reduction of the ROW Surcharge fee for non-Centrex lines requested by Verizon.<sup>12</sup> Thus, we directed Verizon to file an amended Surcharge Update setting forth the revised calculations for the ROW Surcharge rates that are now being requested.<sup>13</sup>

4. On May 12, 2014, Verizon filed its Amended Surcharge Update for 2013 in response to Order No. 17476,<sup>14</sup> and in accordance with D.C. Code § 10-1141.06.<sup>15</sup> The Amended Surcharge Update reflects the ROW Surcharge for the non-Centrex lines decreased from \$4.23 to \$4.22 and that the ROW Surcharge for the Centrex lines remained the same.<sup>16</sup> On May 12, 2014, Verizon also filed its ROW Compliance Filing for 2014, pursuant to D.C. Code § 10-1141.06.<sup>17</sup> The ROW Compliance Filing describes the process Verizon uses to recover from its customers the D.C. Public ROW fees it pays to the District of Columbia Government.

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<sup>8</sup> *TT00-5*, Order No. 17315, rel. December 5, 2013.

<sup>9</sup> *TT00-5*, Verizon Washington, DC Inc.'s Response to Order No. 17237, filed September 16, 2013 (Verizon's Response); Verizon Washington, DC Inc.'s Response to Order No. 17315, filed January 27, 2014; and Verizon Washington, DC Inc.'s Supplemental Response to Paragraph 9 of Order No. 17315, filed April 1, 2014 (Verizon's Supplemental Response).

<sup>10</sup> *TT00-5*, Verizon's Supplemental Response at 6.

<sup>11</sup> *TT00-5*, Verizon's Supplemental Response at 6.

<sup>12</sup> *TT00-5*, Order No. 17476, rel. April 30, 2014.

<sup>13</sup> *TT00-5*, Order No. 17476, at ¶ 6, rel. April 30, 2014.

<sup>14</sup> *TT00-5*, Amended Surcharge Update.

<sup>15</sup> See D.C. Code, § 10-1141.06 (2001).

<sup>16</sup> *TT00-5*, Amended Surcharge Update at 1; Verizon's Supplemental Response at 6.

<sup>17</sup> See D.C. Code, § 10-1141.06 (2001).

Moreover, Verizon's ROW Compliance Filing contains the most recent calculations and updated rates for the Company's ROW Surcharges, in accordance with the following tariff page.<sup>18</sup>

**GENERAL REGULATIONS TARIFF, P.S.C.-D.C. No. 201**

**Section 1A**

**Original Page 2**

5. In the ROW Compliance Filing, Verizon compares the current ROW Surcharges and the updated ROW Surcharges for the ROW Surcharge Rider.<sup>19</sup> Specifically, the ROW Compliance Filing indicates that the current ROW Surcharge Rider will decrease by \$0.27, from \$4.22 to the updated rate of \$3.95, for non-Centrex lines and decrease by \$0.04, from \$0.53 to the updated rate of \$0.49 for Centrex lines.<sup>20</sup> According to Verizon, the current non-Centrex rate of \$4.22 was effective June 1, 2014.<sup>21</sup> The current Centrex Line rate of \$0.53 is based on Verizon's July 31, 2013, Surcharge Compliance Filing, which was effective August 1, 2013.<sup>22</sup> Additionally, Verizon represents that it seeks to implement the updated surcharge rates on August 1, 2014, in order to maintain the timing of past annual true-up filings for the ROW Surcharge Rider.<sup>23</sup>

6. On June 6, 2014, the Commission published a Notice of Proposed Tariff (NOPT) in the *D.C. Register* inviting public comment regarding Verizon's Amended Surcharge Update and ROW Compliance Filing.<sup>24</sup> In the NOPT, the Commission states that Verizon has a statutory right to implement its filed surcharges, however, if the Commission discovers any inaccuracies in the calculation of the proposed surcharge rate, Verizon could be subject to reconciliation of the surcharge. The only comments filed in response to the NOPT were the Reply Comments filed by Verizon, wherein the Company repeated its request for expedited consideration of the ROW Compliance Filing.<sup>25</sup> No other Comments were filed in response to the NOPT. The Commission is satisfied that the surcharges proposed by Verizon in the Amended Surcharge Update and ROW Compliance Filing comply with D.C. Code §10-1141.06.

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<sup>18</sup> TT00-5, ROW Compliance Filing at 2.

<sup>19</sup> TT00-5, ROW Compliance Filing at 2.

<sup>20</sup> TT00-5, ROW Compliance Filing at 2.

<sup>21</sup> TT00-5, Amended Surcharge Update at 1; ROW Compliance Filing at 2, footnote 5.

<sup>22</sup> TT00-5, Amended Surcharge Update at 1; ROW Compliance Filing at 2, footnote 5.

<sup>23</sup> TT00-5, ROW Compliance Filing at 2.

<sup>24</sup> 61 *D.C. Reg.* 5852-5857 (June 6, 2014).

<sup>25</sup> TT00-5, Verizon's Reply Comments in Response to the Notice of Proposed Tariff (Reply Comments), filed July 11, 2014.

Consequently, the Commission approves Verizon's Amended Surcharge Update and ROW Compliance Filing, by Order No. 17578, to be effective as of August 1, 2014.

## OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA

August 5, 2014

I hereby recommend that the following named persons be appointed as Notaries Public in and for the District of Columbia, effective on or after September 1, 2014.

55936	Aguocha	Christian	Rpt Fee	Aguocha & Associates, PC 1629 K Street, NW, Suite 300	20005
55937	Alarapon	Rana C.	Rpt Fee	Voxiva, Inc. 1990 K Street, NW, Suite 400	20006
55938	Allen	Vikki A.	New  Free	Government of the District of Columbia, Department of Behavior Health, Saint Elizabets Hospital 1100 Alabama Avenue, SE	20032
55939	Altema	Frantz A.	New Fee	PNC Bank 601 Pennsylvania Avenue, NW, Suite 150N	20004
55940	Anderson	Eric L.	New Fee	Native American Rights Fund 1514 P Street, NW, Suite D	20005
55941	Aponte-Smith	Dena	Rpt Fee	Mortgage Bankers Association 1919 M Street, NW, 5th Floor	20036
55942	Austin	Jerome W.	Rpt  Free	Government of the District of Columbia, Department of Behavioral Health, Saint Elizabets Hospital 1100 Alabama Avenue, SE	20032
55943	Beattie	John D.	Rpt Fee	Dykema Gossett, PLLC 1300 I Street, NW, Suite 300 West	20005
55944	Bernstein	Andrew D.	New Fee	Simpson Thacher & Bartlett, LLP 1155 F Street, NW, 12th Floor	20004
55945	Blake	Carol M.	Rpt Free	Metropolitan Police Department 1620 V Street, NW	20009
55946	Blanco	Emily P.	New Fee	Skadden, Arps, Meagher & Flom, LLP 1440 New York Avenue, NW	20005
55947	Boozer	Bernadette	New Fee	BizGov Solutions, LLC 1325 G Street, NW, Suite 500	20005
55948	Bovell	Kristin C.	Rpt Fee	The UPS Store 2500 Calvert Street, NW	20008

## OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA

August 5, 2014

I hereby recommend that the following named persons be appointed as Notaries Public in and for the District of Columbia, effective on or after September 1, 2014.

55949	Bray	Laura C.	Rpt Fee	Home Builders Institute 1201 15th Street, NW	20005
55950	Brannock	Lisa M.	Rpt Fee	Pepco Holdings, Inc. 701 Ninth Street, NW, EP1215	20068
55951	Brown	Bernadette	New Fee	Microsoft Corporation 901 K Street, NW	20001
55952	Brown	Sharon L.	Rpt Fee	William & Connolly, LLP 725 12th Street, NW	20005
55953	Bryan	Sydney Shabazz	Rpt Fee	Chadbourn & Parke LLP 1200 New Hampshire Avenue, NW, Suite 300	20036
55954	Burgos	Jennifer A.	New Fee	Mi Oficina Express 3443 14th Street, NW, Suite 1B	20010
55955	Butler	Barbara M.	Rpt Fee	Hunton & Williams LLP 2200 Pennsylvania Avenue, NW	20037
55956	Carter	Chellsie	New Fee	UIP General Contracting, Inc. 3404 Connecticut Avenue, NW	20008
55957	Carter	Lolita	New  Free	Government of the District of Columbia, Department of Behavior Health, Saint Elizabeths Hospital  1100 Alabama Avenue, SE	  20032
55958	Clements	Melissa	Rpt Fee	Webster, Chamberlain & Bean 1747 Pennsylvania Avenue, NW, Suite 1000	20006
55959	Cooksey	Michele	New Fee	Cornerstone Real Estate 20 F Street, NW, Suite 700	20001
55960	Corbin-Jallow	Sharon	Rpt  Free	Congressional Budget Office, Ford House Office Building, OFM/MBISD  416 3rd Street, SW, Room 411	  20515
55961	Doan	Lisa A.	New Fee	Slover & Loftus, LLP 1224 17th Street, NW	20036

## OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA

August 5, 2014

I hereby recommend that the following named persons be appointed as Notaries Public in and for the District of Columbia, effective on or after September 1, 2014.

55962	Drake	David A.	Rpt Fee	Coast Guard Judge General's Office 2703 Martin Luther King, Jr. , Avenue, SE	20593
55963	Fairfax, Sr.	William A.	Rpt Fee	Insurance Unlimited Inc. 3103 20th Street, SE	20020
55964	Farkas	Michael	New Fee	Capital Reporting Company 1821 Jefferson Place, NW	20036
55965	Fitzgerald	Lois	Rpt Fee	Foundations For Home & Community 1012 14th Street, NW	20005
55966	Foster	Richard S.	Rpt Fee	Folger Nolan Fleming Douglas Incorporated 725 15th Street, NW	20005
55967	Frazier	Caroline E.	Rpt Fee	Dickstein Shapiro, LLP 1825 Eye Street, NW	20006
55968	Freeman	Karen N.	Rpt Fee	Howard University Hospital 2041 Georgia Avenue, NW	20060
55969	Gladden	Antonia	New Fee	Taxi Transportation 3341 Benning Road, NE	20019
55970	Goch	Linsey M.	Rpt Fee	Webster, Chamberlain & Bean 1747 Pennsylvania Avenue, NW, Suite 1000	20006
55971	Goldenberg	Frank J.	Rpt Fee	Rock Creek Title, LLC 926 North Carolina Avenue, SE	20003
55972	Gorman	Diane H.	New Fee	Howard University School of Law 2900 Van Ness Street, NW	20008
55973	Gueory	Rhonda	New Fee	Perry Street Preparatory Public Charter School 1800 Perry Street, NE	20018
55974	Ham	Jacqueline	New Fee	TIAA-CREF 601 13th Street, NW, Suite 700N	20005



## OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA

August 5, 2014

I hereby recommend that the following named persons be appointed as Notaries Public in and for the District of Columbia, effective on or after September 1, 2014.

55975	Hawkins	Ruth M.	Rpt	Government of the District of Columbia, Department of Behavioral Health, Saint Elizabeths Hospital	
			Fee	1100 Alabama Avenue, SE	20032
55976	Hennessy	Pamela Jo	Rpt	Finnegan, Henderson, Farabow, Garrett & Dunner, LLP	
			Fee	901 New York Avenue, NW	20001
55977	Horton	Kiesha	Rpt	Teachers Insurance & Annuity Association - College Retirement Equities Fund (TIAA- CREF)	
			Fee	601 Thirteenth Street, NW, Suite 700N	20005
55978	Hughes	Ida	Rpt	A. Wash & Associates, Incorporated	
			Fee	4649 Nannie Helen Burroughs Avenue, NE	20019
55979	Hunter	Alicia L.	New	Kelley Drye & Warren LLP	
			Fee	3050 K Street, NW, Suite 400	20007
55980	Hurst-Renee	Michelle D.	New	Hogan Lovells US LLP	
			Fee	555 Thirteen Street, NW	20004
55981	Jackson	Angela	New	TransCo. Inc.	
			Fee	3399 Benning Road, NE	20019
55982	Jennings	Dana N.	Rpt(DC )	Self (Dual)	
			Fee	1937 T Place, SE	20020
55983	Jenter	Justin J.	New	Tempus, Inc.	
			Fee	1225 New York Avenue, NW, Suite 200	20005
55984	Jones	Octavia T.	New	DC Housing Authority	
			Free	1133 North Capitol Street, NE	20002
55985	Jones	Ricky	Rpt	DVA Federal Credit Union	
			Fee	810 Vermont Avenue, NW	20420

## OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA

August 5, 2014

I hereby recommend that the following named persons be appointed as Notaries Public in and for the District of Columbia, effective on or after September 1, 2014.

55986	Kim	Leslie P.	Rpt Fee	The UPS Store 1718 M Street, NW	20036
55987	Krents	Katherine W.	Rpt Fee	Cleary Gottlieb Steen & Hamilton LLP 2000 Pennsylvania Avenue, NW	20006
55988	Kuhr	Liesel S.	Rpt Fee	National Education Association 1201 16th Street, NW	20036
55989	Ladson	Denise L.	New Fee	Williams Mullen 1666 K Street, NW	20006
55990	Lewis	Deana C.	Rpt Fee	Holland & Hart, LLP 975 F Street, NW, Suite 900	20004
55991	Linares Creales	Laryann Marie	New Fee	Self 3392 Blaine Street, NE, Apt. 3D	20019
55992	Lipscomb	Mary B.	Rpt Fee	The Law Office of Linda M. Hoffman, P.C. 919 18th Street, NW, Suite 250	20006
55993	Lott	Jason	Rpt Fee	Human Rights Campaign 1640 Rhode Island Avenue, NW	20036
55994	Magruder	Jacqueline	New Free	Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) 99 New York Avenue, NE, Room 5.E- 310	20226
55995	Margolis	Janelle	New Free	US Department of Health & Human Services, President's Council on Fitness, Sports & Nutrition 200 Independence Avenue, SW	20201
55996	Martin	Nancy J.	New Fee	Alderson Court Reporters 1155 Connecticut Avenue, NW, Suite 200	20036
55997	McCrae	Johnetta	New Free	Government of the District of Columbia, Department of General Services, Protective Services Division 1900 Massachusetts Avenue, SE	20003

## OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA

August 5, 2014

I hereby recommend that the following named persons be appointed as Notaries Public in and for the District of Columbia, effective on or after September 1, 2014.

55998	Meering	Jacqueline Wells	Rpt Fee	Atlantic Media, Inc. 600 New Hampshire Avenue, NW, 9th Floor	20037
55999	Merrill	Rebecca L.	Rpt Fee	Bristol Associates, Inc. 1023 15th Street, NW, Suite 1100	20005
56000	Mielnik	Megan	Rpt Fee	Democratic Senatorial Campaign Committee 120 Maryland Avenue, NE	20002
56001	Miller	LaVerne	Rpt Fee	Miller Copying Services, Inc 1000 U Street, NW, Suite 325	20001
56002	Millett	Shannon	Rpt Fee	Guardian Realty Management Inc. DbA NBL Associates 800 9th Street SW	20024
56003	Minus	Reginald C.	Rpt Fee	Minus and Associates, Inc. 6230 3rd Street, NW	20011
56004	Moore	Angela V.	New Fee	DC Public Charter School Board 3333 14th Street, NE, Suite 210	20010
56005	Murray	Carolyn L.	Rpt Fee	ASAE 1575 I Street, NW, Suite 1200	20005
56006	Mushaw	Garrett	New Fee	Perry Street Preparatory Public Charter School 1800 Perry Street, NE	20018
56007	Nam	Edward H.	New Fee	Bank of America 1501 Pennsylvania Avenue, NW	20005
56008	Nashid	Salim	New Fee	Georgetown Day School 4530 MacArthur Boulevard, NW	20007
56009	Pajon	Juan C.	New Fee	Wells Fargo Bank, N.A. 1447 P Street, NW	20005
56010	Paschoal	Celia	Rpt Fee	National Geographic Channel International 1145 17th Street, NW	20036

## OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA

August 5, 2014

I hereby recommend that the following named persons be appointed as Notaries Public in and for the District of Columbia, effective on or after September 1, 2014.

56011	Pineda	Marlyn	Rpt Fee	Agriculture Federal Credit Union 1400 Independence Avenue, SW, Room - SM2 South Building	20250
56012	Price	Brian K.	Rpt(DC ) Fee	Self (Dual) 437 New York Avenue, NW, #319	20001
56013	Redd	Joanne B.	New Free	U.S. Postal Service 475 L'Enfant Plaza, SW	20260
56014	Reidinger	Jacqueline	New Fee	Results/Results Educational Fund 1101 15th Street, NW, Suite 1200	20005
56015	Reinhart	Marjorie	New Fee	National Center on Education and the Economy 2121 K Street, NW	20037
56016	Roach	Chiquita	New Fee	E Taylor & Associates Universal Tax 2901 12th Street, NE	20017
56017	Rotz	Andrew	New Fee	Fidelity Investments 1900 K Street, NW, Suite 110	20006
56018	Rubel	Julia	New Fee	Washington Intern Student Housing 307 Massachusetts Avenue, NE	20002
56019	Russell	Jolene V.	Rpt Free	U.S. Department of Justice 601 D Street, NW	20004
56020	Sam	Kourtney	New Fee	George Washington University 800 21st Street, NW	20052
56021	Sani-Omolori	Hakim	New Fee	TD Bank 605 14th Street, NW	20005
56022	Sendrow	Lisa	New Fee	Skadden, Arps, Meagher & Flom, LLP 1440 New York Avenue, NW	20005

## OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA

August 5, 2014

I hereby recommend that the following named persons be appointed as Notaries Public in and for the District of Columbia, effective on or after September 1, 2014.

56023	Spencer	Joanne	New	Government of the District of Columbia, Department of Mental Health, Saint Elizabeths Hospital	
			Free	1100 Alabama Avenue, SE	20032
56024	Stallion	Vivian A.	Rpt Free	Department of Health and Human Services 200 Independence Avenue, SW	20201
56025	Streeter	Patrina D.	New Fee	Wells Fargo Bank 3200 Pennsylvania Avenue, SE	20020
56026	Svec	Marta	Rpt Fee	American Councils for International Education 1828 L Street, NW, Suite 1200	20036
56027	Sykes	Ronald O.	Rpt Fee	High Road Academy of Washington D.C. 711 Edgewood Street, NE	20017
56028	Taylor	Penelope E.	Rpt Fee	Eisen & Rome, PC One Thomas Circle, NW, #850	20011
56029	Veclotch	Rachel H.	New Fee	Horton's Kids, Inc. 100 Maryland Avenue, NE	20002
56030	Washington	Debra L.	Rpt(DC ) Free	Self (Dual) 3022 K Street, SE	20019
56031	Williams	Paul J.	New Fee	Bank of America 1501 Pennsylvania Avenue, NW	20005

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
TAXICAB COMMISSION**

**NOTICE OF FUNDING AVAILABILITY**

**GRANTS FOR  
COORDINATED ALTERNATIVE TO PARATRANSIT SERVICES (“CAPS-DC”)**

The Government of the District of Columbia, Taxicab Commission is soliciting applications from approved taxicab companies to provide, through the Coordinated Alternative to Paratransit Services (“CAPS-DC”) pilot program, a cost-effective, high service quality MetroAccess paratransit service alternative to consenting MetroAccess dialysis patients. CAPS-DC stands to save District taxpayers as much as \$1.8 million a year while increasing the number of wheelchair accessible taxicabs in the D.C. fleet. Under CAPS-DC, DCTC-approved taxicab companies will provide dialysis patients with MetroAccess paratransit service to and from Washington Metropolitan Transit Authority (WMATA)-identified dialysis centers. Paratransit service will be provided by wheelchair accessible and non-accessible taxicabs, depending on the needs of the requesting dialysis patient. Upon approval, participating taxicab companies must purchase wheelchair accessible paratransit vehicles from WMATA. Those vehicles, subject to availability and service priority, can provide both CAPS-DC paratransit service AND wheelchair accessible taxicab service, District-wide. Dialysis patients will be issued pre-funded debit cards to pay for a portion of the fare, paying the remaining fare in any format acceptable under DCTC regulations.

DCTC intends to make available \$96,000 in grant funds, available no later than October 1, 2014, for DCTC-approved taxicab companies to purchase WMATA paratransit vehicles at a WMATA auction. WMATA will make at least twenty (20) vehicles available for sale during the course of the MOU, on a rolling basis, at an estimated value of \$4,800 each, subject to the availability of grant funds.

The Request for Applications (“RFA”) RFA# CAPS-DC2014-10-001 release date will be Friday, August 15, 2014. The full text of the Request for Applications will be available online at DCTC’s website. It will also be available for pickup. A person may obtain a copy of this RFA by any of the following means:

**Download** by visiting the DCTC website, [www.dctaxi.dc.gov](http://www.dctaxi.dc.gov).

**Email** a request to karl.muhammad2@dc.gov with “Request copy of RFA CAPS-DC” in the subject line.

**In person** by making an appointment to pick up a copy from the DCTC ADA office at 2041 Martin Luther King, Jr Avenue, SE, 4th Floor, Washington, DC 20020 (call Karl Muhammad at (202) 645-4435 or 645-6018 and mention this RFA by name); or

**Write** DCTC at 2041 Martin Luther King, Jr Avenue, SE 4th Floor, Washington, DC 20020, “Attn: Request copy of RFA# CAPS-DC2014-10-001” on the outside of the letter.

**The deadline for application submissions is 8/28/2014, at 4:00 p.m.** Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to [karl.muhammad2@dc.gov](mailto:karl.muhammad2@dc.gov).

**Eligibility:** Only taxicab companies that have been approved by DCTC to participate in CAPS-DC may apply for these grants.

**Period of Awards:** The CAPS-DC grant program performance period will begin in September 2014 and end on 9/30/2015.

**Available Funding:** Approximately \$96,000.00 will be available for one or more awards. Award amounts will range from a minimum of \$4,800 up to a maximum of \$96,000. There may be more than one grant recipient. The amount is contingent on availability of funding and approval by the appropriate agencies.

For additional information regarding this RFA, please contact Karl Muhammad at [karl.muhammad2@dc.gov](mailto:karl.muhammad2@dc.gov) or (202) 645-4435 or 645-6018.

**THE NEXT STEP PUBLIC CHARTER SCHOOL**  
**REQUEST FOR PROPOSAL**

The Next Step Public Charter School is advertising the opportunity to bid on the following services:

**JANITORIAL SERVICES**, possibly inclusive of an Evening Porter position, for the 2014-2015 school year (September 1, 2014 – June 30, 2015), with a possible extension of (4) one year renewals (July 1, 2015-June 30, 2019). The Request for Proposals (RFP) specifications such as cleaning schedule and responsibilities can be obtained on Friday, August 8, 2014 from Jennifer Edwards via email listed below. **Bids must be received by August 18, 2014 by 5 pm at the address listed below.**

**IT SERVICES** for the 2014-2015 school year (September 1, 2014 – June 30, 2015) (5 days a week, 8 hours a day, excluding or including some holidays and breaks) with a possible extension of (4) one year renewals (July 1, 2015-June 30, 2019). The consultant would direct services on the design, implementation, administration, management, maintenance, evaluation, and modification (when necessary) of the school's technology infrastructure and resources, including equipment, hardware, software, web resources, networks and enterprise systems, as well as other IT responsibilities. Additional specifications, such as schedule and responsibilities, can be obtained on Friday, August 8, 2014 from Jennifer Edwards via email listed below. **Bids must be received by August 18, 2014 by 5 pm at the address listed below.**

**VIRTUAL LIBRARY ARCHITECT SERVICES** to building of a Virtual Library, for the 2014-2015 school year (September 1, 2014 – June 30, 2015) with a possible extension of (4) one year renewals (July 1, 2015-June 30, 2019). The bidder would purchase electronic-books (E-Books) that align to its existing curriculum and create a comprehensive virtual library. The curriculum is based on the skills and standards aligned to the Test of Adult Basic Education (TABE), Test of Adult Basic Education CLAS-E (TABE Complete Language Assessment System English), and to the standards of the 2014 GED, as well as other virtual materials. Additional specifications such as schedule and responsibilities can be obtained on Friday, August 8, 2014 from Jennifer Edwards via email listed below. **Bids must be received by August 18, 2014 by 5 pm.**

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

**BIDS MUST BE SUBMITTED** electronically or by mail, between 11:00 am and 5 pm, to:

Jennifer Edwards  
Next Step Public Charter School  
3047 15<sup>th</sup> Street, NW,  
Washington, DC 20009  
[jennifer@nextsteppcs.org](mailto:jennifer@nextsteppcs.org) or [rfp@nextsteppcs.org](mailto:rfp@nextsteppcs.org)



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

**Application No 18805 of 1831 14<sup>th</sup> Street, LLC**, pursuant to 11 DCMR § 3104.1 for a special exception from the rear yard requirements under subsection 774.2, in order to build a second floor addition to an existing building in the ARTS/C-3-A District at premises 1829-1831 14th Street, N.W. (Square 238, Lot 873).

**HEARING DATE:** July 29, 2014

**DECISION DATE:** July 29, 2014

**SUMMARY ORDER**

**SELF-CERTIFIED**

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

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission (“ANC”) 1B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1B, which is automatically a party to this application. ANC 1B did not submit an official report related to the application. The Office of Planning (“OP”) submitted a report recommending approval of the application. (Exhibit 29.) The D.C. Department of Transportation filed a report expressing no objection to the application. (Exhibit 27.)

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception relief under § 774. There were no parties in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 774, that the requested relief can be granted, being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT** to the approved plans, as shown on Exhibits 7-12 in the record.

**BZA APPLICATION NO. 18805****PAGE NO. 2**

**VOTE: 4-0-1** (Lloyd J. Jordan, Jeffrey L. Hinkle, Marnique Y. Heath, and Robert E. Miller to Approve; S. Kathryn Allen not present, not 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:** July 31, 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 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE

**BZA APPLICATION NO. 18805**  
**PAGE NO. 3**

ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED.  
VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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

**Application No. 18806 of 4525 Benning Road, LLC**, pursuant to 11 DCMR § 3104.1 for a special exception under subsection 2116.5, to allow the location of parking spaces as described in subsection 2116.4, for the establishment of a D.C. Department of Motor Vehicle Service Center with accessory parking in the C-3-A District at premises 4525 Benning Road, S.E. (Square 5350, Lot 121).<sup>1</sup>

**HEARING DATE:** July 29, 2014

**DECISION DATE:** July 29, 2014

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 7.)

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission (“ANC”) 7E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7E, which is automatically a party to this application. The ANC submitted a letter in support of the application. The ANC indicated that at its duly noticed May 13, 2014 meeting, at which a quorum was present, the ANC voted 4:0 to support the application. (Exhibit 26.) The Chair of the ANC, who is also the Single Member District member, was present at the hearing and testified in support of the application. The Office of Planning (“OP”) submitted a timely report in support of the application. (Exhibit 30.) The Department of Transportation (“DDOT”) had no objection to the application with conditions.<sup>2</sup> (Exhibit 31.)

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<sup>1</sup> The Applicant revised the plans and amended the application so as to eliminate the request for a variance and reducing the degree of special exception relief. The caption has been altered accordingly.

<sup>2</sup> In its report, DDOT indicated that the Applicant had applied for a public space permit to close exiting curb cuts, install two new one-way directional curb cuts, and park within the building restriction line. The permit was approved with five conditions, according to the DDOT report. DDOT stated that the site plans submitted as part of the zoning application do not reflect the conditions imposed by the approved public space permit and indicated that DDOT “expects that these public space conditions will be addressed before the public space permit is issued.” (Exhibit 31.) The public space permit process is ongoing and DDOT noted in its report that any additional changes to the public space would require the Applicant to pursue additional public space permits through DDOT’s permitting processes. The Applicant testified that it revised the plans and amended the BZA application based on the public space permit process, leading to the revised plans currently before the Board which the Board approved. The Board explicitly did not find it necessary to include DDOT’s conditions to the public space permit in this Order.

BZA APPLICATION NO. 18806

PAGE NO. 2

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under § 2116.5. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 2116.5, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibits 29E and 29F – Revised Plans) is hereby **GRANTED**.

**VOTE:**       **4-0-1** (Lloyd J. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle, and Robert E. Miller to APPROVE; S. Kathryn Allen not present, not 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:** July 30, 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. 18806

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.

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 4<sup>TH</sup> STREET, N.W.  
SUITE 200-SOUTH  
WASHINGTON, D.C. 20001**

**PUBLIC NOTICE OF CLOSED MEETING**

In accordance with § 405(c) of the Open Meetings Act, D.C. Official Code § 2-575 (c), on 07/29/14, the Board of Zoning Adjustment voted 4-0-1 to hold closed meetings telephonically on Monday, September 8<sup>th</sup>, 15<sup>th</sup>, 22<sup>nd</sup> and 29<sup>th</sup> beginning at 4:00 pm for the purpose of obtaining legal advice from counsel and/or to deliberate upon, but not voting on the cases scheduled to be publicly heard or decided by the Board on the day after each such closed meeting, as those cases are identified on the Board’s agendas for September 9<sup>th</sup>, 16<sup>th</sup>, 23<sup>d</sup> and 30<sup>th</sup> 2014.

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

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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 13-13**  
**Z.C. Case No. 13-13**  
**Oxbridge Development at Ninth Street, LLC**  
**(Map Amendment @ Square 3831)**

The Zoning Commission for the District of Columbia ("Commission"), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 787, *et seq.*; D.C. Official Code §6-641.01), and § 102 of Title 11 of the District of Columbia Municipal Regulations ("DCMR"), having held a public hearing to consider the application from Oxbridge Development at Ninth Street, LLC ("Applicant"), and referred the proposed map amendment to the National Capital Planning Commission ("NCPC") for a 30-day review pursuant to § 492 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 6-641.02) ("District Charter"), hereby gives notice of its adoption of an amendment to the Zoning Map of the District of Columbia that rezones Lots 830 & 42-45 in Square 3831 from the C-M-1 Zone District to the R-4 Zone District.

**FINDINGS OF FACT**

1. On November 19, 2013, the Office of Zoning received an application from the Applicant requesting that the Commission rezone Lots 830 and 42-45 in Square 3831 (the "subject property") from the C-M-1 Zone District to the R-4 Zone District.
2. The Commission set down the application for a public hearing as a contested case at its January 17, 2014 public meeting.
3. The subject property consists of 12,402 square feet of land area and is located at northwest corner of 9<sup>th</sup> Street and Kearny Street, N.E. The subject property is a vacant parcel.
4. The subject property is currently zoned C-M-1. The C-M Zone Districts are "intended to provide sites for heavy commercial and light manufacturing activities employing large numbers of people and requiring some heavy machinery under controls that minimize any adverse effects on other nearby, more restrictive districts." (11 DCMR § 800.1.) The Zoning Regulations note that "[h]eavy truck traffic and loading and unloading operations are expected to be characteristic of C-M Districts." (11 DCMR § 800.2.)
5. The maximum permitted height and density within the C-M-1 Zone District is 40 feet and 3.0 floor area ratio ("FAR"), respectively. (11 DCMR §§ 840.1 and 841.1.)
6. The Future Land Use Map of the Comprehensive Plan designates the subject property for Low-Density Residential use. The subject property is also located within the Brookland/CUA Metro Station Area within the Upper Northeast Area Element of the Comprehensive Plan.



Z.C. ORDER NO. 13-13

Z.C. CASE NO. 13-13

PAGE 2

7. To the west of the Property are railroad tracks and an R-4 Zone District, to the south and east are R-2 Zone Districts. On the block immediately to the north are rowhouses and just beyond that is the Brookland/CUA Metrorail entrance. Significant development has recently occurred and is proposed for the area surrounding the Brookland/CUA Metro including several large mixed-use buildings. In addition, on November 4, 2013, the Washington Metropolitan Area Transportation Authority ("WMATA") issued a joint development solicitation for the Brookland/CUA Metro Station.
8. The Applicant is requesting a map amendment to rezone the subject property to the R-4 Zone District. The R-4 Zone District, in contrast to the C-M-1 Zone District, is designed to allow residential use, which is consistent with the subject property's designation on the Future Land Use Map of the Comprehensive Plan. (11 DCMR § 330.)
9. The maximum permitted matter-of-right height in the R-4 Zone District is 40 feet and three stories. (11 DCMR §400.) In the R-4 Zone District, the maximum percentage of lot occupancy for a row dwelling or flat is 60%. (11 DCMR § 403.) Moreover, pursuant to § 404 of the Zoning Regulations, a rear yard with a minimum depth of 20 feet must be provided for each structure in the R-4 Zone District. Side yards generally are not required in the R-4 Zone District. However, if a side yard is provided, it must be at least three inches wide per foot of building height, but not less than eight feet. (11 DCMR §405.) Pursuant to the Inclusionary Zoning Regulations, a development including 10 or more residential units located in the R-4 Zone District would be permitted to have a minimum lot area of 1,500 square feet, a minimum lot width of 18 feet, and a minimum lot width by special exception of 16 feet. (11 DCMR §2604.3.)
10. Notice of the public hearing was given in accordance with the provisions of 11 DCMR §§ 3014 and 3015.
11. Advisory Neighborhood Commission ("ANC") 5B, the ANC in which the subject property is located, was automatically accorded party status. ANC 5B submitted a resolution indicating that at its regularly scheduled public meeting on April 23, 2014, and with a quorum of the ANC commissioners present, the ANC voted to support the map amendment. ANC 5E, located within 200 feet of the Property, and directly across the railroad tracks to the west of the subject property, submitted a resolution indicating that at its regularly scheduled public meeting on March 18, 2014, and with a quorum of the ANC commissioners present, the ANC voted unanimously to support the map amendment.
12. On May 19, 2014, the Commission held a public hearing on the application. One principal witness, Mr. Elliot Totah, testified on behalf of the Applicant at the public hearing.

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13. Several witnesses testified as persons in support of the application. Ms. Barbara Kahlow, representative of a group of nearby residents known as the 200-Footers, testified that the group supported the proposed rezoning because it allowed development of an appropriate scale and type for the neighborhood. Mr. Richard Houghton, a nearby resident, testified he supported the proposed amendment because it would permit the re-insertion of appropriately-scaled residential development for the neighborhood, prevent development permitted by the existing C-M-1 zoning that was incompatible with the surrounding residential neighborhood, and was consistent with the Comprehensive Plan. Mr. Guy Durant, a nearby resident, stated he supported the proposed rezoning because it would allow for additional low-density residential development. Finally, Ms. Ever Dubar, a nearby resident, testified she supported the proposed rezoning because it was consistent with the existing character of the neighborhood.
14. Two witnesses testified as persons in opposition to the application. Ms. Carolyn Steptoe testified in her capacity as Single Member District Commissioner for ANC 5B04. Ms. Steptoe testified that she opposed the requested map amendment because of a concern by certain members of her constituency that, in connection with other ongoing nearby development proposals, the proposed map amendment would permit what she characterized as the over-development of the area. Ms. Miatta Thomas testified, as the owner of the parcel immediately to the north of the subject property, that she was developing the site as a medical office building and was concerned that the proposed rezoning would limit the availability of nearby parking spaces.
15. The Office of Planning ("OP") reviewed the Applicant's proposal to rezone the subject property to the R-4 Zone District and, in its report dated January 17, 2014, recommended that the application be set down for public hearing. OP also submitted a report dated May 9, 2014, recommending approval of the requested map amendment. OP opined that the map amendment would not be inconsistent with the Comprehensive Plan, and that the proposed map amendment and the redevelopment that it would facilitate would further numerous policy statements of the Land Use (Chapter 3) and Housing (Chapter 5) Elements of the Comprehensive Plan. OP also indicated that the requested map amendment would further policies of the Land Use Element which calls for compatible infill development, and the Upper Northeast Area Element which calls for the conservation of established residential areas and compatible infill on vacant lots in existing neighborhoods, and changing industrially-zoned land in close proximity to the Brookland metro to other uses, including housing.
16. Based upon the testimony and evidence presented, as well as the OP reports, the Commission finds that the proposed rezoning is consistent with numerous elements of the Comprehensive Plan, including, among others, policies to manage growth and change, create successful neighborhoods, ensure the efficient use of land resources (Land Use Element); create a safe and sustainable transportation network that meets the access and mobility needs of residents (Transportation Element); develop and maintain a safe,

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decent, and affordable supply of housing for all current and future residents of the District (Housing Element); and specific area goals to foster mixed use and new housing development in the District. The Commission also finds that the proposed map amendment would create favorable conditions for the District and satisfies each of the statutory standards applicable to map amendments.

17. The Commission further finds that the map amendment would implement the Future Land Use Map's designation of the subject property for Low-Density Residential; permit the matter-of-right development of new residential uses on the subject property, which is consistent with the subject property's designation on the Generalized Policy Map; and eliminate the ability to construct heavy commercial, light manufacturing, and general industrial uses on the subject property, which is consistent with elements of the Brookland/CUA Metro Station Area within the Upper Northeast Area Element of the Comprehensive Plan. At the conclusion of the public hearing on May 19, 2014, the Commission took proposed action to approve the map amendment. Pursuant to § 492 of the District Charter, the Commission referred its proposed decision of approval to NCPC for review and comment. The Commission left the record open until May 23, 2014 for Ms. Thomas to submit her written comments. No comments were received.
18. The Office of Zoning referred the case for review by NCPC on May 20, 2014; NCPC did not provide a report.
19. The Commission took final action to approve the map amendment at its regularly scheduled meeting held on June 30, 2014.

### CONCLUSIONS OF LAW

The Zoning Commission's authority to amend the Zoning Map derives from the Zoning Act of 1938, effective June 20, 1938 (52 Stat. 797, D.C. Official Code § 6-641.01) ("Zoning Act"). Section 1 of the Zoning Act, authorizes the Commission to regulate the uses of property in order to "promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia and its planning and orderly development as the national capital." (D.C. Official Code § 6-641.01.)

Section 2 of the Zoning Act provides that the "zoning regulations shall be designed to lessen congestion on the street, to secure safety from fire, panic, and other dangers to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a

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view to encouraging stability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein.” (D.C. Official Code § 6-641.02.)

Section 3 of the Zoning Act, among other things, authorizes the Commission to amend the Zoning Regulations and Maps. (D.C. Official Code § 6-641.03.)

The Commission concludes that approval of an amendment to the R-4 Zone District is consistent with the purposes of the Zoning Act. The amendment would permit low-density residential development that is suitable for the location and compatible with nearby uses.

In amending the Zoning Map, the Commission is constrained by the limitation § 492(b)(1) of the District of Columbia Home Rule Act, D.C. Official Code § 6-641.02), that the Zoning Map be “not inconsistent” with the Comprehensive Plan. The Commission concludes that approval of the requested map amendment is not inconsistent with the Comprehensive Plan. The requested map amendment furthers the goals of the Comprehensive Plan, and promotes orderly development in conformity with the Zone Plan as embodied in the Zoning Regulations and Map.

The Commission concludes that the requested map amendment is in the best interests of the District of Columbia and will benefit the community in which the property is located.

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 an affected ANC’s written recommendation. The subject property is located in ANC 5B. ANC 5B submitted a resolution of unqualified support of the application. ANC 5E also submitted a resolution of unqualified support of the application. The Commission concurs with the recommendation of both ANCs.

The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to OP recommendations. The Commission concurs with the OP’s recommendation in support of the application and has given its recommendation the great weight to which it is entitled.

Finally, the Commission was not persuaded by the arguments made by those who opposed the application. Ms. Steptoe attested to opposition by members of the community in her capacity as Single-Member District representative of ANC 5B04. However, the bulk of the feedback from nearby community members in the record is favorable, and the ANC as a whole voted to support the application without qualification and making no reference to community opposition. Furthermore, Ms. Steptoe’s assertion that the proposed amendment would facilitate the “over-development” of the neighborhood is unpersuasive because the proposed R-4 zoning permits only low-density residential development, which is not only wholly consistent with the Comprehensive Plan, but is less intensive than the existing C-M-1 zoning. Likewise, the Commission was not persuaded by Ms. Thomas’s assertion that the proposed map amendment

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would adversely affect the availability of nearby street parking needed for her planned business located directly to the north of the subject property. The on-site parking requirements of Chapter 21 presumptively establish the minimum parking needs of each use. Therefore, the fact that Ms. Thomas' contemplated level of operations may create a parking demand in excess of these requirements is not a basis for denying an otherwise appropriate map amendment.

### DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for an amendment of the Zoning Map to change Lots 830 and 42-45 in Square 3831 from the C-M-1 Zone District to the R-4 Zone District.

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 May 19, 2014, upon a motion by Commissioner Miller, as seconded by Commissioner Turnbull, the Zoning Commission **APPROVED** the application at the conclusion of its public hearing by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

On June 30, 2014, upon a motion by Chairman Hood, as seconded by Commissioner Miller, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, and Peter G. May to adopt; Michael G. Turnbull, not present, not voting).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become effective upon publication in the *D. C. Register* on August 8, 2014.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 14-01  
Z.C. Case No. 14-01  
Jemal's Hecht's, LLC  
(Consolidated PUD and Related Map Amendment @  
Square 4037, Parts of Lots 7 and 804)  
July 17, 2014**

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held a public hearing on June 12, 2014, to consider applications for a consolidated planned unit development ("PUD") and related zoning map amendment filed by Jemal's Hecht's, LLC (the "Applicant"). The Commission considered the applications 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 applications.

**FINDINGS OF FACT**

**The Applications, Parties, Hearings, and Post-Hearing Filings**

1. On January 27, 2014, the Applicant filed applications with the Commission for consolidated review of a PUD and related map amendment from the C-M-2 Zone District to the C-3-C Zone District for property located at 1401 New York Avenue, N.E. (the western 345.93 feet of Lots 7 and 804 in Square 4037) (the "PUD Site").
2. The PUD Site is located on New York Avenue, N.E. in the Ivy City neighborhood of Ward 5, and has a land area of approximately 119,037.97 square feet (2.73 acres). The PUD Site is presently occupied by the historic Hecht's Company Warehouse building, which is listed as an individual landmark on the District of Columbia Inventory of Historic Sites and the National Register of Historic Places.
3. The Applicant proposes to redevelop the warehouse structure with a new mixed-use building that includes two full stories of retail and service uses and five stories of residential uses. The Applicant will completely renovate and repurpose the existing warehouse building, and will add a two-story addition atop the four-story wing on the eastern side of the building and a one-story addition atop the main portion of the building. The new addition will be set back on the primary historically contributing New York Avenue and Fenwick Street façades a minimum of 24 feet. Upon completion, the project will include approximately 559,245.1 square feet of gross floor area, or an aggregate floor area ratio ("FAR") of approximately 4.70. The overall height of the building will be 95.15 feet.

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4. By report dated February 14, 2014, the Office of Planning ("OP") recommended that the applications be set down. (Exhibit ["Ex.,"] 12.) At its public meeting held on February 24, 2014, the Commission voted to schedule a public hearing on the applications.
5. The Applicant submitted a prehearing statement for the project on April 1, 2014, and a hearing was timely scheduled for the matter on April 17, 2014. A description of the proposed development and the notice of the public hearing in this matter were published in the *D.C. Register* on April 25, 2014. The notice of public hearing was mailed to all property owners within 200 feet of the PUD Site and to Advisory Neighborhood Commission ("ANC") 5D on April 22, 2014.
6. On May 5, 2014, the Applicant submitted revised architectural plans and elevations in response to comments raised by the Commission at set down. (Ex. 21B.) The revised plans incorporated the new addition to the building, which added 68 residential units to the initial design. In this submission, the Applicant proposed increasing the affordable housing subsidy so that 10 of the affordable units in the building would be devoted to households earning 50% of the area median income ("AMI"), instead of the required 80% AMI subsidy as required by the Zoning Regulations and as previously proposed. The Applicant also provided a chart showing the revised unit breakdown and stated that ANC 5D was supportive of the revised plans. (Ex. 21A.) On May 6, 2014, OP submitted a memorandum stating no objections to the Applicant's revised plans. (Ex. 22.)
7. At its regularly schedule public meeting on May 12, 2014, for which notice was properly given and a quorum was present, ANC 5D voted 4-0-0 to support the application. (Ex. 24.)
8. On May 23, 2014, the Applicant submitted supplemental prehearing materials in support of its application. (Ex. 23.) These materials included a full set of revised architectural plans and elevations showing the revisions submitted on May 5, 2014, as well as other minor design and program adjustments. In this submission, the Applicant provided a traffic impact study, prepared by Gorove/Slade Associates, Inc., the Applicant's traffic and transportation consultant.
9. On June 2, 2014, OP submitted its final report recommending approval of the application and the requested areas of zoning flexibility. (Ex. 26.) On June 4, 2014, the District Department of Transportation ("DDOT") submitted its final report stating no objection to the application, subject to several conditions. (Ex. 27.)
10. The parties to the case were the Applicant and ANC 5D.
11. The Commission convened a hearing on June 12, 2014, which was concluded that same evening. At the hearing, the Applicant presented five witnesses in support of its application: Paul Millstein, Douglas Development Corporation; Laura Hughes, EHT

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- Traceries; Joe Antunovich, Antunovich Associates Architects; Erwin Andres, Gorove/Slade Associates; and Steven Sher, Holland & Knight. Based upon their professional experience and qualifications, the Commission qualified Ms. Hughes as an expert in historic preservation, Mr. Antunovich as an expert in architecture and design, Mr. Andres as an expert in transportation planning and engineering, and Mr. Sher as an expert in land use and zoning. The Commission also qualified George Warholc of Dewberry as an expert in landscape architecture.
12. Karen Thomas, Development Review Specialist with OP, and Jennifer Steingasser, Deputy Director of Development Review with OP, testified in support of the application. Evelyn Isreal and Anna Chamberlin, transportation planners with DDOT also testified in support of the application with conditions.
  13. Kathy Henderson of ANC 5D and Alicia Swanson of the Ivy City Civic Association testified in support of the application.
  14. The record was closed at the conclusion of the hearing, except to receive additional submissions from the Applicant, as requested by the Commission. After closing the record, the Commission took proposed action to approve the application. The proposed action was referred to the National Capital Planning Commission ("NCPC") pursuant to § 492 of the Home Rule Act. The Commission also requested proposed findings of fact and conclusions of law from the Applicant.
  15. On June 30, 2014, the Applicant submitted the following post-hearing items, as requested by the Commission:
    - (a) A drawing of a typical unit showing where the glass blocks and windows will be used and located;
    - (b) A drawing of the roof showing the heights of the existing and proposed roof structures;
    - (c) A calculation of the green area ratio for the building;
    - (d) A description of the Applicant's use of the green roof of a total of 13,000 square feet; and
    - (e) A description of the Applicant's outreach efforts with the Unity Health Care Homeless Shelter, located at 1355 New York Avenue, N.E., adjacent to the PUD Site.
  16. The proposed action of the Commission was referred to NCPC on June 12, 2014. (Ex. 37.) NCPC did not provide a response.
  17. The Commission took final action to approve the PUD on July 17, 2014.



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**The PUD Site, Surrounding Area, and Prior Commission Actions in Square 4037**

18. The PUD Site is located on New York Avenue, N.E. in the Ivy City neighborhood of Ward 5. The rectangular-shaped site is comprised of the western-most 345.93 feet of Lots 7 and 804 in Square 4037, and has a total land area of approximately 119,037.97 square feet (2.73 acres). The PUD Site is presently occupied by the historic Hecht Company Warehouse building, which is listed as an individual landmark on the District of Columbia Inventory of Historic Sites and the National Register of Historic Places.
19. Square 4037 has a total land area of approximately 371,334 square feet (8.52 acres) and is comprised entirely of Lots 7 and 804. Square 4037 is a rectangular block bounded by New York Avenue to the north, Fenwick Street to the west, Okie Street to the south, and 16<sup>th</sup> Street to the east, all within the northeast quadrant of Washington, D.C. Situated along New York Avenue, Square 4037 is surrounded by production, distribution and repair uses, as well as residential neighborhoods to the south. The CSX railroad and Metrorail tracks are located across New York Avenue to the north. Other one- and two-story industrial buildings dating from the early twentieth century predominate the surrounding area, as well as single-family detached dwellings and low-rise multi-family apartment buildings in the Ivy City neighborhood to the south. The Unity Health Care Homeless Shelter, with approximately 360 beds for overnight accommodations, is located approximately 358 feet to the west of the PUD Site.
20. The majority of the Hecht's Company warehouse building was constructed in 1937 and designed in the Streamline Moderne manner by engineer Gilbert V. Steel of the New York engineering firm Abbott and Merkt. The building consists of the original warehouse structure plus four additions, prominently located at the corner of New York Avenue and Fenwick Street, N.E. The contributing sections date from 1937, 1948, and 1961, and range in heights of approximately 82 feet (1937 landmark section), 54.5 feet (1948 landmark section), and 14 feet (1961 landmark section). Of historic significance is the use of glass block, particularly striking in the building's quarter-round northwest corner, which supports a large glass block tower. Also noteworthy is the use of black and white glazed bricks in simple, geometric patterns.
21. The warehouse building was listed on the National Register of Historic Places in 1994. Macy's purchased the building from the Hecht Company in 2006, and shut its doors soon thereafter. The Applicant purchased the warehouse from Patriot Equities in late 2011, and it has been vacant ever since, despite the Applicant's diligent efforts to market the building to industrial, office, and warehouse users. The warehouse building is unique in that it is the only building in the vicinity or on this section of New York Avenue that is listed as an individual historic landmark.

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22. On July 8, 2013, pursuant to Z.C. Order No. 13-02, the Commission approved a map amendment to rezone the eastern portions of Lots 7 and 804, also owned by the Applicant, from the C-M-2 Zone District to the C-M-3 Zone District. Based on this approval, the Applicant is presently constructing, as a matter of right, a seven-story, 1,067-car above-ground parking garage in the center of Square 4037, with ground floor retail and service uses. A Mom's Organic Market is scheduled to open in the ground floor of the structure in late 2014. At the time of the rezoning of the eastern portion of the Square in 2013, the Applicant did not request a map amendment for the PUD Site, which remained in the C-M-2 Zone District. The present application will allow for development that is complimentary to the parking garage and retail spaces on the adjacent land in Square 4037 and takes advantage of the parking spaces and retail opportunities.

#### **Existing and Proposed Zoning**

23. The PUD Site is located in the C-M-2 Zone District. The C-M Zone Districts are "intended to provide sites for heavy commercial and light manufacturing activities employing large numbers of people and requiring some heavy machinery under controls that minimize any adverse effect on other nearby, more restrictive districts." (11 DCMR § 800.1.) The Zoning Regulations note that "[h]eavy truck traffic and loading and unloading operations are expected to be characteristic of C-M Zone Districts." (11 DCMR § 800.2.) The maximum permitted height and density within the C-M-2 Zone District is 60 feet and 4.0 FAR, respectively. (11 DCMR § 840.1 and § 841.1). A rear yard with a minimum depth of 2.5 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet, is required for structures in the C-M-2 Zone District. (11 DCMR § 842.2.)
24. The Applicant is requesting a map amendment to rezone the PUD Site from the C-M-2 Zone District to the C-3-C Zone District. The C-3-C Zone District permits medium-high density development, including office, retail, housing, and mixed-use development. (11 DCMR § 740.8.) The maximum permitted height and density within the C-3-C Zone District is 90 feet and 6.5 FAR, respectively. (11 DCMR §§ 770.1 and 771.2.) The maximum permitted height and density within the C-3-C Zone District as a PUD is 130 feet and 8.0 FAR.
25. Consistent with these parameters, the Applicant will develop the PUD Site with office, retail, service, and residential uses. The maximum proposed height for the building is 95.15 feet and the maximum proposed density is 4.70, as permitted for a PUD in the C-3-C Zone District.

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### Description of the PUD Project

26. The PUD project consists of an existing building that incorporates a two-story addition to the low-rise portion of the building and a one-story addition to the top of the higher-rise portion of the building. The final building design is a seven-story mixed-use, retail, service, and residential building, with a total gross floor area of 559,245 square feet. The first and second floors will contain retail and service uses, comprised of approximately 196,343.8 square feet of gross floor area, plus approximately 5,590 square feet of retail space in the cellar. Retail entrances will be reestablished along New York Avenue and Fenwick Street with large glazed windows, providing new vibrancy and activity along these corridors. Floors three through seven will contain approximately 362,901.3 square feet of gross floor area devoted to residential and residential amenity spaces, comprised of approximately 338 dwelling units. The residential entrance will be from the new Hecht Avenue, N.E., located directly to the east of the building on the PUD Site.
27. Three light-well atriums will be cut into the center of the building at the third floor level, providing natural light for the interior residential units. These interior courtyards will provide natural amenity spaces for building residents that include landscape and hardscape, open green areas, and seating. The Applicant intends to preserve and incorporate the existing columns into the proposed courtyard. Floors two and five will also provide outdoor terraces on the east side of the building, and the roof will provide additional exterior amenity space with views of downtown Washington, D.C.
28. Due to the historic nature of the warehouse building, and the fact that the gross floor area of the historic resource is not being increased by 50%, the Applicant is not required to provide additional parking facilities. (11 DCMR 2120.3.) Nor is the Applicant required to provide additional loading facilities. (11 DCMR § 2200.5.) However, approximately 1,067 parking spaces for residential and retail uses to be located in Square 4037 will be located in the parking garage presently under construction east of the PUD Site. Loading will be accessed from Okie Street and will include the following facilities: (i) two loading berths at 55 feet deep, (ii) one loading berth at 30 feet deep, and (iii) three loading platforms at 200 square feet each. The Applicant will provide approximately 224 bicycle parking spaces dispersed throughout the building, on the exterior of the building on the PUD Site, and in the parking garage adjacent to the PUD Site. In addition, the Applicant will provide a shuttle service for residents and retail employees connecting the PUD Site with the NoMA/Gallaudet University Metrorail Station.
29. Redevelopment of the PUD Site will emphasize the unique architectural character of the historic structure, and will artfully retain the iconic exterior along New York Avenue and Fenwick Street. The design involves the retention of the historic glass blocks and glazed brick where possible, and the substitution of the glass where necessary with in-kind replacements using the original molds. The steel windows will be refabricated to allow

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for double glazing and improved operability, but with the same profiles. On the ground level, the storefront openings will be restored to their original glazed condition. The two-story addition will be clad in metal panels and vertical glass panes to match the existing façade materials.

30. Consistent with Chapter 26 of the Zoning Regulations, the Applicant will set aside eight percent of the residential gross floor area of the PUD Site for affordable dwelling units. In order to help address the inadequacy of affordable housing throughout the District, and in Ivy City in particular, 10 of the total affordable units will be devoted to households earning up to 50% of the AMI, with the remainder devoted to households earning up to 80% of the AMI. The affordable units will be distributed throughout the residential portion of the building (excluding the top two floors), as indicated on Sheets 15 through 19 of the Architectural Plans and Elevations, dated June 12, 2014. (Ex. 29A.)

### **Flexibility Requested**

#### *Zoning Flexibility*

31. The Applicant requested flexibility from the roof structure requirements because there will be multiple roof structures with multiple heights. The Commission concurs with the Office of Planning that a single enclosure would be impractical due to the locations of the elevators and mechanical penthouse. Further, if all rooftop structures were enclosed in one wall, it would increase the visibility of the rooftop structure from the surrounding neighborhood and would detract from the historic character of the landmark structure. All new roof structures meet the height and set back requirements.

#### *Development Flexibility*

32. The Applicant requested flexibility to vary the number of residential units provided in the project. The project will include 338 units, plus or minus 10%.
33. The Applicant requests flexibility in the following additional areas:
  - (a) 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; and
  - (b) To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without materially reducing the quality of the materials; and to make refinements to exterior details and dimensions, including curtainwall mullions and spandrels, window

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frames, glass types, belt courses, sills, bases, cornices, railings and trim, 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, or that are otherwise necessary to obtain a final building permit.

### **Project Benefits and Amenities**

34. *Urban Design, Architecture and Landscaping.* The PUD implements a number of urban design and architectural best practices, and will assist in the further development of Ivy City into a mixed-use community with higher-density residential uses and high-quality community oriented retail uses. New retail entrances to the building will be located along New York Avenue and Fenwick Street, providing vibrancy and activity along these corridors. The residential entrance will be from the new Hecht Avenue, located directly to the east of the PUD Site. New and open courtyards are provided within the central building mass to allow sunlight into the existing building's sizable floor plate and provide additional amenity spaces to building residents.
35. *Historic Preservation.* The historic preservation element of the PUD preserves and celebrates the existing historic warehouse building and reuses it in a productive and useful manner. The PUD will allow for the renovation and adaptive reuse of the iconic structure, which has been vacant for over eight years, and will carefully integrate the building into the existing community. The reuse of the building will improve significantly the appearance of the streetscape along New York Avenue and will enhance the attractiveness and safety of the surrounding community, bringing new "eyes and ears" to the streets.
36. *First Source Employment Agreement.* Expanding employment opportunities for residents and local businesses is a priority of the Applicant. The Applicant will enter into a First Source Employment Agreement with the Department of employment Services ("DOES"), whereby the Applicant will use DOES as its first source for recruitment, referral, and placement of new hires for construction employees whose jobs are created by the PUD.
37. *Housing and Affordable Housing.* The PUD will contain 338 residential units (plus or minus 10%) with a maximum residential gross floor area of approximately 362,901 square feet of gross floor area. The Applicant will set aside no less than eight percent of the residential gross floor area for affordable units, with 10 of those units devoted to low-income households and the remainder of the units devoted to moderate-income

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households as those households are defined by 11 DCMR § 2601<sup>1</sup>. Since residential use is presently not permitted on the PUD Site under its current CM zoning and because the Applicant is offering a deeper level of affordability than required by the Inclusionary Zoning Regulations, the affordable housing component of the Project is a public benefit, pursuant to § 2403.9(f) of the Zoning Regulations. In addition to furthering the general housing objectives and policies of the Zoning Regulations and the Comprehensive Plan, the proposed development will help satisfy the growing demand for housing in this rapidly changing neighborhood.

38. *Environmental Benefits.* The PUD will help to ensure the environmental, economic, and social sustainability of its residents through the implementation of sustainable design features. A number of strategies will be implemented to enhance the inherently sustainable nature of the PUD Site's location and to promote a healthy, desirable, and comfortable lifestyle that will fully benefit the project's residents while minimizing impacts on the environment. The proposed development will provide a number of environmental benefits, including street tree planting and maintenance, landscaping, energy efficient and alternative energy sources, methods to reduce stormwater runoff, and green engineering practices. Although the Applicant is not seeking LEED-certification for the building, the project will meet a LEED-Silver equivalent rating.
39. *Transportation Benefits.* The PUD includes approximately 224 bicycle parking spaces distributed throughout the building and in several locations outside of the building, adjacent to the building entrances. The project will also implement significant transportation demand management ("TDM") measures, including providing a shuttle service for residents and retail employees that connects the PUD Site with the NoMa/Gallaudet University Metro Station; unbundling all parking costs from the cost of lease of the residential units; designating a residential TDM leader for all phases of the project; providing a transportation kiosk in the residential lobby that will contain printed materials related to local transportation alternatives; providing website links to Commuter Connections.com and goDCgo.com on developer and property management websites; and installing a TransitScreen to provide real-time transportation information.

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<sup>1</sup> Those definitions are:

**Low-income household** - a household of one or more individuals with a total annual income adjusted for household size equal to less than fifty percent (50%) of the Metropolitan Statistical Area median as certified by the Mayor pursuant to the Act.

**Moderate-income household** - a household of one or more individuals with a total annual income adjusted for household size equal to between fifty-one percent (51%) and eighty percent (80%) of the Metropolitan Statistical Area median as certified by the Mayor pursuant to the Act.

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40. *Uses of Special Value to the Neighborhood.* The Applicant has agreed to: (1) pay for a new Capital Bikeshare station in the public space abutting or within Square 4037; (2) pay \$50,000 toward neighborhood cleanup and improvements, in cooperation with ANC 5D; and (3) pay for 500 linear feet of new sidewalk in the surrounding neighborhood, the exact location to be determined in cooperation with ANC 5D.

### **Comprehensive Plan**

41. The PUD Site is identified as a Neighborhood Conservation Area ("NCA") on the Generalized Policy Map. The guiding philosophy in the NCA is to ensure that the unique and special qualities of each area are maintained and conserved, and that the overall neighborhood character is protected as development takes place. The proposed map amendment and associated PUD will continue to protect and strengthen the existing community while returning an iconic historic structure to productive use. The Future Land Use Map of the Comprehensive Plan designates the PUD Site for PDR land uses. The Land Use Map by its terms is not a zoning map, but designates the predominant use in an area. Although the C-3-C Zone District is not listed among the corresponding land use categories for the PDR category, the zoning requested for the PUD Site is not inconsistent with the Future Land Use Map, and will only apply to approximately 30% of the land area of Square 4037, and to significantly less of the broader area designated for PDR uses in the vicinity, which spans from the New York Avenue/Florida Avenue/Gallaudet Metrorail station to the eastern boundary of the District.
42. The PUD is unique in that the warehouse building is the only landmark structure on the segment of New York Avenue, N.E. on which it is located. Thus, the PUD furthers the goals of *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.* (10A DCMR § 1011.7.) The existing building will be adapted for commercial, retail, and residential uses, which will allow for a diverse treatment of the PUD Site that is consistent with the character of the neighborhood, preserves the historic qualities of the building, and promotes the adaptive reuse of an old building to appropriate new and higher-value uses. Maintaining the original warehouse and industrial uses in the building is impractical due to the existing structure's outdated and undesirable physical characteristics for those uses, such as its density, ceiling height, number of stories, and insufficient space for truck loading and maneuverability.
43. The PUD furthers the goals of *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.* The Applicant will provide new, high-density housing options in the vacant, underutilized warehouse building to meet the housing needs of present and future D.C. residents.

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44. The PUD Site is located in the Upper Northeast Area Element of the Comprehensive Plan and furthers the following policies:
- (a) *Policy UNE-1.1.5: Vacant and Abandoned Structures: Reduce the number of vacant, abandoned, and boarded up structures in Upper Northeast, particularly in the Ivy City and Trinidad areas. (10A DCMR § 2408.6.)* The PUD will redevelop and repurpose a vacant historic structure in the Upper Northeast, allowing for new development opportunities;
  - (b) *Policy UNE-1.1.9: Production, Distribution, and Repair Uses: Retain the existing concentration of production, distribution, and repair (PDR) uses in Upper Northeast, but encourage the upgrading of these uses through higher design standards, landscaping, and improved screening and buffering. Emphasize new uses, including retail and office space, that create jobs for Upper Northeast area residents, and that minimize off-site impacts on the surrounding residential areas. (10A DCMR § 2408.10).* The PUD and map amendment are consistent with Policy UNE-1.1.9. With only approximately 16.5% of the potential gross floor area of the entire Square proposed for residential use, the majority of the Square will retain development that emphasizes new uses at the former warehouse site, including retail and office space, which will help create additional jobs for Upper Northeast residents;
  - (c) *Policy UNE-2.3.1: New York Avenue Corridor: Improve the appearance of New York Avenue as a gateway to the District of Columbia. Support road design changes, streetscape improvements, and new land uses that improve traffic flow and enhance the road's operation as a multi-modal corridor that meets both regional and local needs. (10A DCMR § 2413.5.)* The PUD and map amendment will allow for redevelopment of the warehouse in a manner that will enhance the streetscape and appearance of New York Avenue and create a new vitality along this major gateway to the District. Development on the Warehouse is subject to review by the D.C. Historic Preservation Review Board, which ensures high-quality design;
  - (d) *Policy UNE-2.3.2: Production, Distribution, and Repair Land Uses: Retain a significant concentration of production, distribution, and repair (PDR) land uses in the New York Avenue corridor. While the conversion of industrial land to other uses can be considered on key sites, including the Bladensburg/Montana/New York "triangle," these changes should not diminish the area's ability to function as an industrial district meeting the needs of government and District businesses and residents. Retail and office uses have existed historically along both sides of V Street between Bladensburg Road and South Dakota Avenue NE and should*



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*continue in accordance with the existing CM- and M- zoning. (10A DCMR § 2413.6). The proposed C-3-C Zone District for the PUD Site will allow the upper floors of the building to be converted to residential use. Despite this proposed new use for the majority of Square 4037, the rest of the Square will retain its industrial C-M-3 zoning designation. Furthermore, the C-M-3 and the C-3-C Zone Districts have similar development restrictions: both Districts allow for a maximum building height of 90 feet; and while the C-M-3 Zone District has a maximum FAR of 6.0, the C-3-C Zone District has a maximum FAR of 6.5. Permitted uses also overlap significantly. Both districts permit medium density development, including office, retail, and mixed-uses. The only significant difference is that while the C-M-3 Zone District is limited to non-residential uses and permits light manufacturing activities, the C-3-C Zone District permits residential use as a matter of right and does not permit light manufacturing activities. Overall, the requested PUD and map amendment will have the effect of permitting residential use in a small portion of the otherwise industrially-zoned Square;*

- (e) *Policy UNE-2.3.3: Infill Development: Support infill development and redevelopment on underutilized commercial sites along New York Avenue. Particularly encourage large-format destination retail development that would provide better access to goods and services for residents, and sales tax dollars for the District. (10A DCMR § 2413.7). In fulfillment of this goal, the project will support infill development and redevelopment on a site that is presently underutilized along New York Avenue. Moreover, in approving the Applicant's map amendment application for the eastern portion of the Square in July, 2013, the Office of Planning noted that the C-M-3 Zone District's additional height would permit greater flexibility for future use. For example, the C-M-3 zone's additional height would enable future conversion of the outer bays of the parking garage decks into flat-floored residential units, should a future Comprehensive Plan, zone change, or the marketplace deem such a use to be appropriate (*see transcript from the Zoning Commission hearing on February 25, 2013, pages 42-47*). Thus, pursuant to Z.C. Order No. 13-02, granting the map amendment for the land adjacent to the PUD Site, the Applicant and the city anticipated the potential demand for new uses along the New York Avenue corridor; and*
- (f) *Policy Action UNE-2.3.C: Hecht's Warehouse: Encourage the reuse of the historic Hecht's warehouse building as an incubator for technology-oriented uses, creative industries, and other activities which help grow the District's "knowledge economy." (10A DCMR § 2413.11.) The Comprehensive Plan specifically highlights the Hecht Company Warehouse in Policy Action UNE-2.3.C. The proposed map amendment furthers this policy action for many of the reasons already described herein, including developing the existing building with*

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productive and high-value uses. Moreover, the requested map amendment to the C-3-C Zone District will permit the PUD Site to include technology-oriented uses, creative industries, and many other activities that can help grow the District's knowledge economy. This policy action specifically anticipates a use for the PUD Site that is no longer devoted strictly to industrial, distribution, and warehouse uses. Consistent with this expectation, the C-3-C Zone District permits, as a matter-of-right, multiple types of office, commercial, service, retail, and residential uses that can easily accommodate the technology-based and creative industry uses. Maintaining the PUD Site's existing zone designation as C-M-2 has not furthered this provision of the Comprehensive Plan.

45. The Commission finds that the proposed development is consistent with these policies and goals of the Comprehensive Plan. The PUD and map amendment will allow for the adaptive reuse of an historic structure in a manner that is consistent with the surrounding PDR and residential uses. It will return a vacant building to an appropriate use, thereby enhancing the quality of the entire community. The map amendment will not generate any negative external effects, but will promote the efficient use of high-value land in a manner that will renew and reinvigorate the image of the city.

#### **Government Agency Reports**

46. By report dated June 2, 2014, OP recommended approval of the proposed PUD and related Zoning Map amendment. In its report, OP stated that the requested C-3-C Zone District would support the written elements of the Comprehensive Plan, which address the adaptive reuse of historic resources, and would not be inconsistent with the Future Land Use and Generalized Policy Maps. OP stated that typically it would have difficulty supporting a proposal for a residential mixed-use development in the PDR land use category. In this case, however, the exceptional situation of the already developed site, including its existing historic building, density, and height; its location on a major District avenue; and the changed nature of industrial uses, made the map amendment application truly unique. The proposal includes the provision of a high level of housing affordability and quality ground floor retail space through the adaptive reuse of a prominent historic vacant building, which are goals supported by the Generalized Policy Map and Comprehensive Plan policy statements. OP urged that the requested PUD and related map amendment will not threaten the stability of adjacent PDR uses, nearby residential uses, or other mixed uses in commercial areas located in the general area.
47. By report dated June 4, 2014, DDOT stated its non-objection to the application, subject to the following conditions:

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- (a) The Applicant provide additional loading facilities or work with DDOT to establish a loading zone that would be subject to various restrictions, such as time of use;
  - (b) The Applicant complete a loading management plan that minimizes conflicts related to the backing maneuvers required to access the loading docks;
  - (c) The Applicant construct the missing sidewalk link on the east side of Fenwick Street from Gallaudet Street to West Virginia Avenue;
  - (d) The Applicant provide operational details for the proposed shuttle service subject to DDOT review and approval. The shuttle service should be frequent, reliable, and have a long span of service such that residents would significantly utilize transit not only for commute trips, but also for trips related to shopping and entertainment;
  - (e) The Applicant provide signal, design, and engineering details subject to DDOT review and approval of the two proposed mitigation measures at New York Ave and Fenwick Street and at Okie and Fenwick Streets;
  - (f) The Applicant may be required to construct a west bound left turn pocket at New York Avenue and Fenwick Street, which may necessitate a widening of the cart way and the replacement of the signal at the intersection; and
  - (g) The Applicant should identify how many parking spaces will be allocated to the proposed retail and residential uses at the site.
48. After receiving the DDOT report and before the public hearing, the Applicant met with DDOT to discuss each of the specific conditions. At this meeting and at the public hearing the Applicant agreed to comply with all of DDOT's requests, except that the Applicant agreed to pay for 500 linear feet of sidewalk at a location to be determined in cooperation with ANC 5D, rather than at the location specified by DDOT. The Applicant also offered to pay for a new Capital Bikeshare station in Square 4037, adjacent to the PUD Site. A summary of the Applicant's response to DDOT's conditions is included in Hecht's PUD Team Response to DDOT Conditions Memorandum. (Ex. 29G.)

#### **ANC 5D Report**

49. By report dated May 12, 2014, ANC 5D recommended approval of the PUD and related map amendment. The ANC resolution stated that the Applicant met with ANC 5D on multiple occasions to present its proposed design and program for the PUD Site. The ANC resolution affirmed that the Applicant responded to all of the questions raised by

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the ANC Commissioners and the community. The ANC asserted strong support for the project, particularly since the development will assist in the revitalization of the area.

### CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality development that provides public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project “offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience.” (11 DCMR § 2400.2.)
2. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, FAR, lot occupancy, parking and loading, or for yards and courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. Development of the property included in this application carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned developments, which will offer a project with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
4. The PUD Site meets the minimum area requirements of § 2401.1 of the Zoning Regulations.
5. The PUD Site, as approved by the Commission, complies with the applicable height, bulk and density standards of the Zoning Regulations. The retail, service, and residential uses for this project are appropriate for the PUD Site. The impact of the project on the surrounding area is not unacceptable. Accordingly, the project should be approved.
6. The application can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.
7. The Applicant’s request for flexibility from the Zoning Regulations is consistent with the Comprehensive Plan. Moreover, the project benefits and amenities are reasonable trade-offs for the requested development flexibility.
8. Approval of this PUD is appropriate because the proposed development is not inconsistent with the Comprehensive Plan. In addition, the proposed development will

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

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 carefully considered the OP report and, as explained in this decision, finds its recommendation to grant the applications persuasive.
10. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to the issues and concerns raised in the written report of the affected ANC. The Commission has carefully considered the ANC 5D's recommendation for approval and concurs in its recommendation.
11. The application for a PUD is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

### DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the applications for consolidated review and approval of a planned unit development and related map amendment from the C-M-2 Zone District to the C-3-C Zone District for property located in the western portions of Lots 7 and 804 in Square 4037. The approval of this PUD is subject to the guidelines, conditions, and standards set forth below.

#### **A. Project Development**

1. The PUD shall be developed in accordance with the plans and materials submitted by the Applicant, dated June 12, 2014, and marked as Exhibit 29A in the record, as modified by the guidelines, conditions, and standards of this Order.
2. In accordance with the plans, the PUD shall be a mixed-use project consisting of approximately 559,245 square feet of gross floor area. Approximately 196,344 square feet of gross floor area will be devoted to retail and service uses on floors one and two, and approximately 362,901 square feet of gross floor area will be devoted to residential uses on floors three through seven, with approximately 338 units (plus or minus ten percent).
3. The Applicant shall have design flexibility with the PUD in the following areas:

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- (a) To vary the number of residential units to plus or minus 10%;
- (b) To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration of the structure;
- (c) To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on the availability at the time of construction;
- (d) To make minor refinements to exterior details and dimensions, including balcony enclosures, belt courses, sills, bases, cornices, railings and trim, or any changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit; and
- (e) The Applicant shall have zoning flexibility with the PUD to allow multiple roof structures with varying heights, consistent with the roof plans on page 20 of the architectural plans (Ex. 29A), and as supplemented by Exhibit 33A.

**B. Public Benefits**

1. First Source Employment Agreement. Prior to the issuance of a certificate of occupancy for the PUD, the Applicant shall enter into a First Source Employment Agreement with DOES, whereby the Applicant shall use DOES as its first source for recruitment, referral, and placement of new hires for construction employees whose jobs are created by the PUD.
2. Housing and Affordable Housing. In accordance with the plans, the PUD shall include 338 units (plus or minus 10%) with a maximum residential gross floor area of approximately 362,901 square feet. Pursuant to Chapter 26 of the Zoning Regulations, the Applicant will set aside no less than eight percent of the residential gross floor area for affordable units, with 10 of those units devoted to low-income households and the remainder of the units devoted to moderate-income households as those households are defined by 11 DCMR § 2601<sup>2</sup>.
3. Sustainability Features and LEED Equivalency. The PUD building shall be designed to include no fewer than the minimum number of points necessary to be

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<sup>2</sup> See footnote 1.

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the equivalent of a Silver designation, as shown on the theoretical LEED score sheet submitted with the Plans dated June 12, 2014. (Ex. 29A.) The Applicant shall put forth its best efforts to design the PUD so that it may satisfy such LEED standards, but the Applicant shall not be required to register or to obtain the certification from the United States Green Building Council.

4. Uses of Special Value to the Neighborhood and the District of Columbia as a Whole. Prior to the issuance of a certificate of occupancy for the PUD, the Applicant shall submit to the Department of Consumer and Regulatory Affairs evidence that the Applicant has: (1) paid the District Department of Transportation ("DDOT") or otherwise incurred costs for the installation of a new Capital Bikeshare station within Square 4037; (2) paid to a designated ANC 5D account or otherwise incurred costs of \$50,000 for neighborhood cleanup to alley areas and vacant lots in the Ivy City Community, and other improvements to the neighborhood park located at the intersection of Capital Avenue and Kendall Street, installation of tree boxes, and new curbing; and (3) paid DDOT or otherwise incurred costs for the installation of 500 linear feet of sidewalk in the surrounding neighborhood, the exact location to be determined in cooperation with ANC 5D. No certificate of occupancy shall issue unless the Applicant provides proof to the Zoning Administrator that the items or services funded have been or are being provided.

### C. Transportation Measures

1. Prior to the issuance of a certificate of occupancy for the PUD, the Applicant shall provide a minimum of 224 bicycle parking spaces distributed throughout the building and in several locations outside of the building, adjacent to the building entrances.
2. Transportation Demand Management ("TDM") Measures. Prior to the issuance of a certificate of occupancy for the PUD, the Applicant shall implement the following Transportation Demand Management ("TDM") measures, which shall apply for the life of the Project:
  - (a) Unbundle all parking costs from the cost of lease or purchase of residential units;
  - (b) Identify a TDM leader for all phases of the project and provide this information to DDOT and to Zoning Enforcement;

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- (c) Provide a transportation kiosk in the residential lobby, which will contain printed materials related to local transportation alternatives and maintain a stock of materials at all times;
  - (d) Provide a TransitScreen in the residential lobby;
  - (e) Provide website links to CommuterConnections.com and goDCgo.com on developer and property management websites; and
  - (f) Provide evidence of a shuttle service to be provided for residents and retail employees connecting the development with the NoMa/Gallaudet University Metro Station to commence operation when the PUD building is 50% occupied. The shuttle service shall comply with the terms listed on page 2 of Exhibit 29G.
3. **For the life of the Project**, the Applicant shall comply with the Loading Management Plan attached as the Appendix to Exhibit 29G.

**D. Miscellaneous**

- 1. No building permit shall be issued for the PUD and the map amendment shall not become effective 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. Pursuant to § 2408.8, the PUD shall be valid for a period of two years from the effective date of Z.C. Order No. 14-01. Within such time, an application must be filed for a building permit for the construction of the project as specified in 11 DCMR § 2409.1. Pursuant to § 2408.9, construction of the project must commence within three years of the effective date of this Order.
- 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:



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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 June 12, 2014, upon the motion of Commissioner May, as seconded by Vice Chairman Cohen, the Zoning Commission **APPROVED** the applications at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

On July 17, 2014, upon the motion of Chairman Hood, as seconded by Commissioner Miller, 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, and Michael G. Turnbull to adopt; Peter G. May to adopt by absentee ballot).

In accordance with the provisions of 11 DCMR § 2038, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on August 8, 2014.

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