

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

- D.C. Council passes Resolution 20-573, Medical Marijuana Expansion Emergency Declaration Resolution of 2014
- Department on Disability Services clarifies the rules for the Randolph-Sheppard Vending Facilities
- Department of Health proposes updates to the requirements for returning students to school after a diagnosis of a communicable disease
- Office of the Deputy Mayor for Education announces alterations in the District of Columbia Public Schools attendance zones
- Department of Housing and Community Development announces funding availability for the Enhanced Affordable Housing Services Initiative

Office of Documents and Administrative Issuances proposes changes to the Office's current operations, including changing the timeline for filing documents for publication in the *D.C. Register*

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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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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ENROLLED ORIGINAL

A RESOLUTION

20-572

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the existence of an emergency with respect to the need to authorize the establishment and administration of a business improvement district in the Southwest neighborhood.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Southwest Business Improvement District Emergency Declaration Resolution of 2014”.

Sec. 2. (a) Landowners and tenants in the Southwest area have petitioned for the creation of a business improvement district (“BID”) in a Southwest neighborhood.

(b) The Mayor has received an application to approve the establishment of the Southwest BID, 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.*).

(c) The Southwest BID organization would like to be authorized to provide services as soon as possible to help create a cleaner and safer environment in the Southwest area and improve the marketability of the area.

(d) For business organizations in the Southwest area to be included on the BID tax roll, they must be included on a list submitted to the Chief Financial Officer.

(e) The Southwest BID will be best able to begin providing services if the BID tax roll is submitted in time for the September 2014 tax bills.

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 Southwest Business Improvement District Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. The resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-573

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the existence of an emergency with the respect to the need amend, on an emergency basis, the Legalization of Marijuana for Medical Treatment Initiative of 1998 to expand the definition of a qualifying medical condition to allow physicians to determine whether a patient would benefit from medical marijuana treatment and to increase the number of living plants medical marijuana cultivation centers can possess at any time.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Medical Marijuana Expansion Emergency Declaration Resolution of 2014”.

Sec. 2. (a) In 2010, the Council passed the Legalization of Marijuana for Medical Treatment Initiative of 1998, effective February 25, 2010 (D.C. Law 13-315; D.C. Official Code § 7-1671.01 *et seq.*), in order to “ensure that the cultivation, distribution, possession, and use of medical marijuana is properly regulated.”

(b) Four years later, the District’s medical marijuana program has only 452 registered patients.

(c) On October 21, 2013, during a Committee on Health public roundtable on the medical marijuana program and how the program can be improved 2 primary suggestions emerged from that discussion: (1) Expanding the list of qualifying conditions and (2) Allowing cultivation centers to possess more living marijuana plants.

(d) Current law severely limits the qualifying conditions, leaving many District residents suffering unnecessarily from significant pain, seizures, and numerous other conditions that are alleviated by medical marijuana use.

(e) The current limits on the number of plants impede cultivators’ ability to provide medical marijuana to patients in a manner other than smoking.

(f) A joint hearing was held on June 12, 2014, between the Committee on the Judiciary and Public Safety and the Committee on Health. There was only one public witness who spoke in opposition to the legislation and the Executive was supportive.

(g) On July 1, 2014, the Judiciary Committee marked up the combined bills and favorably approved them.

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(h) In light of the significant time for permanent legislation to work its way through the congressional review period and the wrenching testimony of witnesses on conditions they are experiencing, this emergency is necessary to put an immediate halt to the suffering many of our residents currently experience.

(i) Approval of the emergency legislation will allow expansion of the medical marijuana program to proceed over the summer.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Medical Marijuana Expansion Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-574

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the existence of an emergency with respect to the need to provide equitable real property tax relief for the real property described as Lot 0860, Square 777 and owned by Mark Bezner and Kuniko Yasuda.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Bezner Real Property Tax Relief Emergency Declaration Resolution of 2014".

Sec. 2. (a) There is an immediate need to provide equitable real property tax relief to certain real property, described as Lot 0860, Square 777 and owned by Mark Bezner and Kuniko Yasuda, for tax years 1991 through 2009.

(b) Lot 0860, Square 777 is a very tiny strip of land ("additional lot") abutting a townhouse purchased by Mark Bezner and Kuniko Yasuda in 1991.

(c) Although the additional lot was included in the description of the property in the deed that conveyed the townhouse to Mark Bezner and Kuniko Yasuda, the separate lot number was not set forth in the deed. Thus, the new property owners had no knowledge that they owned the additional lot.

(d) Further complicating matters, this additional lot was incorrectly assessed by Office of Tax and Revenue ("OTR") from 1991 to the present leaving the owners with inflated taxes concomitant with the inflated and incorrect assessment.

(e) OTR's authority under current law allows it to make corrections going back 3 years. The emergency legislation grants OTR the authority to make adjustments concerning the additional lot from 1991 through 2009 to prevent substantial injustice to the property owners.

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 Bezner Real Property Tax Relief Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-575

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 commemorative work in Chuck Brown Park to be known as the Chuck Brown Memorial.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Chuck Brown Memorial Commemorative Work Emergency Declaration Resolution of 2014”.

Sec. 2. (a) On May 28, 2014, Chairman Phil Mendelson, at the request of the Mayor, introduced PR 20-808, the Chuck Brown Memorial, Carter G. Woodson Memorial, and Metro Memorial Park Commemorative Works Approval Resolution of 2014. That legislation was referred to the Committee of the Whole, which held a hearing on the resolution on July 2, 2014.

(b) The proposed Chuck Brown Memorial contained in PR 20-808 has received necessary approvals from all relevant local and federal boards and commissions, including the Commission on the Arts and Humanities, the National Capital Memorial Advisory Committee, the National Capital Planning Commission, the Commission of Fine Arts, the local Advisory Neighborhood Commission, and the Commemorative Works Committee.

(c) The Chuck Brown Memorial is designed to celebrate the life of District resident Charles Louis “Chuck” Brown (1936-2012), an American guitarist and singer known as the Godfather of Go-Go, who in 1942, at the age of 15, moved to Washington, D.C., where he developed his musical style to compete with disco.

(d) The memorial will honor a local legend and educate visitors on Brown's contributions to Go-Go, a subgenre of funk music, which he pioneered in and around Washington, D.C., in the mid and late 1970s. The memorial will include a mural incorporated into a plaza that will list Chuck Brown's discography along with several sculptures of instruments representing those used to perform Go-Go.

(e) Because all necessary approvals have been obtained, funding has been identified, and planning for the Memorial is well underway, and because the opening of the memorial could coincide with what would have been Chuck Brown's birthday on August 22, 2014, the memorial should be approved prior to the Council's recess beginning on July 15, 2014.

(f) PR 20-808 contained approvals for 2 other memorials which have not yet received all necessary approvals from local and federal entities. PR 20-808, however, cannot be adopted

ENROLLED ORIGINAL

only in part to approve the Chuck Brown Memorial. Because of procedural time constraints, the Council could not act to consider another resolution submitted before the recess.

(g) Approval of emergency legislation will allow the development of the Chuck Brown Memorial to proceed over the summer.

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 Chuck Brown Memorial Commemorative Works Emergency Approval Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately

ENROLLED ORIGINAL

A RESOLUTION

20-576

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the existence of an emergency with respect to the need to declare the sense of the Council regarding the enforcement of the Marijuana Possession Decriminalization Amendment Act of 2014 in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council of the District of Columbia Regarding Enforcement of the Marijuana Decriminalization Act Emergency Declaration Resolution of 2014".

Sec. 2. (a) Representative Andy Harris (R-MD) filed an amendment in the United States House of Representatives that would prohibit implementation of the District's marijuana decriminalization law - effectively stopping recent legislation that has completed congressional review.

(b) This resolution would express the Council's staunch opposition to attempts to override our marijuana laws, which were adopted with strong Council and community support.

(c) Our medical marijuana law passed overwhelmingly by voter initiative and we proceeded with implementation after Congress gave us a green light some 5 years ago.

(d) Our decriminalization law is much more recent and follows the trend in what soon will be a majority of the States. Both are good public policy.

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 Sense of the Council of the District of Columbia Regarding Enforcement of the Marijuana Decriminalization Act Emergency Resolution of 2014 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-577

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the sense of the Council of the District of Columbia that the amendment introduced by Representative Andy Harris (R-MD) in the United States House of Representatives, which would prevent the enforcement of the Marijuana Possession Decriminalization Amendment Act of 2014 passed by the Council, is unjust and contrary to democratic principles and to call on members of the United States Congress to reject efforts to include this provision in its appropriations legislation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council of the District of Columbia Regarding Enforcement of the Marijuana Decriminalization Act Emergency Resolution of 2014”.

Sec. 2. The Members of the Council of the District of Columbia find that:

(1) The interests of the residents of the District of Columbia are best determined at the local level by elected officials who are familiar with the issues faced by the community and accountable to voters.

(2) The Mayor and Members of the Council of the District of Columbia were elected by District of Columbia residents to represent their best interests in local government.

(3) The Council thoroughly considered the views of community stakeholders on all sides of the issue before acting to decriminalize small amounts of marijuana.

(4) The Council held hearings and thoroughly examined the issues related to marijuana decriminalization, including the potential harmful and addictive properties of marijuana, the financial costs of criminalization, the use of law enforcement resources related to criminalization, and the effects on the community, especially on African American males who are disproportionately affected by criminalization of small amounts of marijuana.

(5) The Marijuana Possession Decriminalization Amendment Act of 2014, effective July 17, 2014 (D.C. Law 20-126; 61 DCR 3482), was passed by a large majority in the Council and is supported and signed by the Mayor.

(6) As duly elected representatives of District residents, Members of the Council and the Mayor are best positioned to reflect the will and needs of the local community.

(7) Any attempt by members of Congress to interfere in local matters in the District is anti-democratic.

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

(1) Out of respect for the principles of democracy and the residents of the District of Columbia, members of Congress should respect Home Rule and refrain from interfering in local matters.

(2) The United States Senate should refrain from including any restriction on enforcing marijuana decriminalization in the District of Columbia in its appropriations legislation.

(3) Members of the conference committee responsible for creating a compromise bill from House and Senate legislation should refrain from including any provision that would prevent the District of Columbia from enforcing its locally enacted laws.

Sec. 4. The Chairman shall transmit a copy of this resolution upon its adoption to the United States House of Representatives and the United States Senate.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-578

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the existence of an emergency with respect to the need to declare the sense of the Council supporting religious tolerance in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council of the District of Columbia Supporting Religious Tolerance Toward People of All Faiths Emergency Declaration Resolution of 2014".

Sec. 2. (a) The District is a city where diversity in all aspects of life is embraced.

(b) Recently, advertisements disparaging Islam were purchased and displayed on WMATA buses.

(c) These advertisements and similar efforts to promote religious intolerance within the District should be discouraged.

(d) Approval of emergency legislation will allow the Council to express its disdain for such advertisements and other efforts to promote religious intolerance in the District of Columbia.

Sec. 3 The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Sense of the Council of the District of Columbia Supporting Religious Tolerance Toward People of All Faiths Emergency Resolution of 2014 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-579

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the sense of the Council of the District of Columbia supporting religious tolerance toward people of all faiths in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council of the District of Columbia Supporting Religious Tolerance Toward People of All Faiths Emergency Resolution of 2014”.

Sec. 2. The Members of the Council of the District of Columbia find that:

(1) As a city with a diverse ethnic and religious population, the District of Columbia has a proud history of supporting individual religious freedoms and is strengthened by the diverse religious, political, and cultural traditions of its residents.

(2) The District is benefitted by the multiplicity of faiths whose tenets motivate humanitarian services, such as the provision of food to the hungry, shelter to the needy, and inexpensive or free health services.

(3) As such, the District should seek to promote religious tolerance and discourage efforts, such as the advertisements from the American Freedom Defense Initiative (“AFDI”) displayed on Washington Metropolitan Area Transit Authority (“Metro”) buses that promote Islamophobia. These advertisements single out and disparage Muslims by associating the religion of Islam with Adolf Hitler and identifying its practitioners as anti-Semites.

(4) While respecting the First Amendment, we should discourage acts and expressions that disparage the religious or cultural beliefs and traditions of others. Such acts and expressions have been known to promote prejudice, incite fear and anger, and pose a threat to public safety.

(5) We believe that religious and cultural divides can be bridged through tolerant, civil, and respectful exchange of dialogue between disparate groups. This is the highest expression of our democratic principles.

(6) Collectively, we should choose to promote tolerance.

(7) The District should be a place where multiculturalism is celebrated and individuals can freely practice their faith without disparagement or fear of physical attack.

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

(1) Out of respect for the diverse religious, ethnic, and cultural makeup of this nation and the District, advertisements that disparage religious, ethnic, and cultural groups should be eliminated within the District.

(2) The government of the District of Columbia should continue to promote religious, ethnic, and cultural diversity and tolerance.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-580

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 Nos. 02 and 03 to Contract No. DCKA-2012-C-0089 with Capitol Paving of D.C., Inc. and authorize payment for services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modification Nos. 02 and 03 to Contract No. DCKA-2012-C-0089 for Local Pavement Restoration Services Payment Approval and Payment Authorization Emergency Declaration Resolution of 2014”.

Sec. 2. (a) There exists an immediate need to approve Modification Nos. 02 and 03 to Contract No. DCKA-2012-C-0089 (“Contract”) with Capitol Paving of D.C., Inc. (“Capitol Paving”) for pavement restoration of various local streets on behalf of the District Department of Transportation (“DDOT”) and to authorize payment for services received and to be received under the Contract.

(b) On March 27, 2014, the DDOT’s Contracting Officer partially executed Option Year 1 under the Contract for the period of April 9, 2014, through June 9, 2014, for certain pavement restoration services. On May 23, 2014, DDOT’s Contracting Officer executed Modification No. 03, which exercised the remainder of Option Year 1 under the Contract and extended the Contract performance period from June 10, 2014, through April 8, 2015. The contract ceiling for Option Year 1 under Modification No. 03 is \$11,145,855.00.

(c) Council approval is necessary because these contract actions are for more than \$1 million during a 12-month period. Council approval is necessary to allow the continuation of these vital services and to allow Capitol Paving 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 Nos. 02 and 03 to Contract No. DCKA-2012-C-0089 for Local Pavement Restoration Services Payment 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

20-581

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. 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.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. GAGA-2013-C-0010 Approval and Payment Authorization Emergency Declaration Resolution of 2014".

Sec. 2. (a) There exists an immediate need to approve 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.

(b) By letter contract dated June 3, 2013, the District of Columbia Public Schools ("DCPS") awarded Contract No. GAGA-2013-C-0010 to Teach Plus, Inc., to implement the Teachers Turnaround Teams Initiative.

(c) On September 13, 2013, DCPS definitized Contract No. GAGA-2013-C-0010 in an amount of \$465,284 for the base period from June 3, 2013, through September 30, 2013.

(d) By Modification No. 1, dated September 30, 2013, DCPS exercised the first option period from October 1, 2013, through June 30, 2014 in an amount of \$936,269.

(e) By Modification No.2, dated November 27, 2013, DCPS and the contractor agreed to reduce the amount for the first option period to \$932,903.

(f) DCPS now proposes Modification No. 4, which will exercise the second option period in the amount of \$1,191,873 from July 1, 2014, through June 30, 2015.

(g) Council approval is necessary for the contract is one in excess of \$1 million and to allow the continuation of these vital services. Without this approval, Teach Plus, Inc., cannot be paid for goods and services provided in excess of \$1 million for the period from June 3, 2013, through June 30, 2014.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. GAGA-2013-C-0010 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

20-582

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the existence of an emergency with respect to the need to authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$16.5 million of District of Columbia revenue bonds in one or more series, and to authorize and provide for the loan of the proceeds of such bonds to assist the President and Directors of Gonzaga College, in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "President and Directors of Gonzaga College Revenue Bonds Project Emergency Declaration Resolution of 2014".

Sec. 2. (a) The President and Directors of Gonzaga College ("Borrower"), which is a federally chartered nonprofit organization organized under the laws of the United States by Act of Congress and existing under the laws of the United States and the District of Columbia, seeks to have District of Columbia revenue bonds issued and to receive a loan of the proceeds from the sale of the bonds for the financing, refinancing or reimbursing of all or a portion of the Borrower's costs to:

(A) Redesign and improve certain campus features, such as landscaping, lighting, seating and meeting areas, statuary, and walkways along Eye Street, N.W., between North Capitol Street, N.W., and First Street, N.W., to enhance school life and address campus safety;

(B) Renovate and develop an athletic field and construct an underground parking facility of approximately 300 parking spaces on the Borrower's campus located at 19 Eye Street, N.W., Washington, D.C. 20001 (Lots 0844 and 0845, Square 0622), together with other property, real and personal, functionally related and subordinate thereto;

(C) Fund certain working capital expenditures associated with the foregoing, to the extent financeable; and

(D) Pay issuance costs for the bonds.

(b) The planned financing will make available funds critically needed to finance, refinance, or reimburse the Borrower for costs of the project described in subsection (a) of this section.

(c) Presently interest rates on tax-exempt bonds are low, but recent market trends indicate that the market is volatile, and there is uncertainty concerning how long interest rates will remain low. For the Borrower to maximize interest savings on the District of Columbia the revenue bonds, the issuance needs to occur as soon as possible.

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(d) Expeditious Council approval of the bond resolution authorizing the issuance of up to \$16.5 million of District of Columbia revenue bonds would permit the revenue bonds to be issued promptly to provide maximum savings for the Borrower and enable the project described in subsection (a) of this section to be completed.

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 President and Directors of Gonzaga College Revenue Bonds Project Emergency Approval Resolution of 2014 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-583

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$16.5 million of District of Columbia revenue bonds in one or more series, and to authorize and provide for the loan of the proceeds of such bonds to assist the President and Directors of Gonzaga College in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "President and Directors of Gonzaga College Revenue Bonds Project Emergency Approval Resolution of 2014".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

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

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

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

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be the President and Directors of Gonzaga College, a nonprofit organization organized under the laws of the United States by Act of Congress and existing under the laws of the United States and the District of Columbia and exempt from federal income taxes under 26 U.S.C. § 501(a) as an organization described in 26 U.S.C. § 501(c)(3).

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements other than Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds and to make the Loan contemplated thereby, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

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

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

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

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

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

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

(A) Redesign and improve certain campus features, such as landscaping, lighting, seating and meeting areas, statuary, and walkways along Eye Street, N.W., between North Capitol Street, N.W., and First Street, N.W., to enhance school life and address campus safety;

(B) Renovate and develop an athletic field and construct an underground parking facility of approximately 300 parking spaces on the Borrower's campus located at 19 Eye Street, N.W., Washington, D.C. 20001 (Lots 0844 and 0845, Square 0622), together with other property, real and personal, functionally related and subordinate thereto;

(C) Fund certain working capital expenditures associated with the foregoing, to the extent financeable; and

(D) Pay Issuance Costs.

Sec. 3. Findings.

The Council finds that:

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

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(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$16.5 million and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

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

(4) The Project is an undertaking in the area of elementary, secondary and college and university facilities and contributes to the health, education, and welfare of residents of the District within the meaning of section 490 of the Home Rule Act.

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

Sec. 4. Bond authorization.

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

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$16.5 million; and

(2) The making of the Loan.

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

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

Sec. 5. Bond details.

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

(1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the Bonds, and the maturity date or dates of the Bonds;

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(5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;

(8) The time and place of payment of the Bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;

(10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and

(11) The terms and types of credit enhancement under which the Bonds may be secured.

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

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

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

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

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

Sec. 6. Sale of the Bonds.

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

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

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matters and may authorize the distribution of the documents in connection with the sale of the Bonds.

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

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

Sec. 7. Payment and security.

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

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

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

Sec. 8. Financing and Closing Documents.

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

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

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

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

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

Sec. 9. Authorized delegation of authority.

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

Sec. 10. Limited liability.

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

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

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

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

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

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

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the Bonds, or for any

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representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents.

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

Sec. 12. Maintenance of documents.

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

Sec. 13. Information reporting.

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

Sec. 14. Disclaimer.

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

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

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

Sec. 15. Expiration.

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

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Sec. 16. Severability.

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

Sec. 17. Compliance with public approval requirement.

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

Sec. 18. Transmittal.

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

Sec. 19. Fiscal impact statement.

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

Sec. 20. Effective date.

This resolution shall take effect immediately

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A RESOLUTION

20-584

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 multiyear Contract No. POTO-2006-C-0077 with Xerox State Healthcare, LLC to provide and maintain a Medicaid Management Information System.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. POTO-2006-C-0077 Emergency Declaration Resolution of 2014".

Sec. 2. (a) The Office of Contracting and Procurement, on behalf of the Department of Health Care Finance, proposes to enter into a multiyear agreement with Xerox State Healthcare, LLC ("Xerox"), to provide and maintain a Medicaid Management Information System.

(b) The estimated price under this multiyear contract with Xerox is in the amount of \$37,734,897.

(c) Approval is necessary to allow the District to receive the benefit of these vital services in a timely manner from Xerox.

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

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. POTO-2006-C-0077 Emergency Approval Resolution of 2014 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-585

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To approve, on an emergency basis, multiyear Contract No. POTO-2006-C-0077 with Xerox State Healthcare, LLC to provide and maintain a Medicaid Management Information System.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. POTO-2006-C-0077 Emergency Approval Resolution of 2014”.

Sec. 2. (a) Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)), the Council approves Contract No. POTO-2006-C-0077, a. multiyear contract with Xerox State Healthcare, LLC, to provide and maintain a Medicaid Management Information System, in the amount of \$37,734,897. The term will be from September 10, 2014 through September 30, 2016.

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

Sec. 4. The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-586

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. DCHBX-2014-C-0001 to provide premium billing services and to authorize payment for the services received and to be received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCHBX-2014-C-0001 Approval and Payment Authorization Emergency Declaration Resolution of 2014".

Sec. 2. (a) There exists an immediate need to approve Contract No. DCHBX-2014-C-0001 with NFP Health Services Administration, LLC ("NFP"), and to authorize payment for the services received and to be received under that contract.

(b) On November 27, 2013, the District of Columbia Health Benefit Exchange Authority ("DCHBX") entered into a contract with NFP to provide premium billing services in an amount not to exceed \$1,250,000.

(c) On May 15, 2014, the DCHBX Board of Directors approved a further increase to the contract ceiling amount to \$1,500,000.

(d) On June 17, 2014, DCHBX executed a contract modification to increase the contract ceiling amount to \$1,500,000

(e) Council approval is necessary because the anticipated contract value is more than \$1,000,000 during a 12-month period.

(f) Approval is necessary to allow the continuation of these vital services. Without this approval, NFP, cannot be paid for services provided in excess of \$1,000,000.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCHBX-2014-C-0001 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

20-587

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 modification to Contract No. DCHBX-2013-C-0007 to provide communications and marketing services and to authorize payment for the services received and to be received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCHBX-2013-C-0007 Approval and Payment Authorization Emergency Declaration Resolution of 2014".

Sec. 2. (a) There exists an immediate need to approve Contract No. DCHBX-2013-0007 and to authorize payment for the services received and to be received under that contract.

(b) On July 24, 2013, the District of Columbia Health Benefit Exchange Authority ("DCHBX") entered into a letter contract with Weber Shandwick to provide communications and marketing services in an amount not to exceed \$2,725,151.10.

(c) On December 19, 2013, DCHBX executed a contract modification to increase the letter contract ceiling amount to \$3,611,067.10.

(d) The definitized contract is in an amount not to exceed \$3,611,067.10.

(e) Council approval is necessary because the contract amount is more than \$1 million during a 12-month period.

(f) Approval is necessary to allow the continuation of these vital services. Without this approval, Weber Shandwick cannot be paid for services provided in excess of \$1 million.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCHBX-2013-C-0007 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

20-588

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 interest arbitration award and compensation agreement submitted by the Mayor for employees in Compensation Unit 4.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution 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 Declaration Resolution of 2014”.

Sec. 2. (a) Section 1717(i)(1) 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(i)(1)), requires that the arbitrator’s award issued on February 20, 2014, pertaining to the DC Firefighters Union, Local 36, was required to have been transmitted to the Council within 60 days.

(b) Following a lengthy, protracted process involving submittal, withdrawal, and re-submittal, the Council has before it a resolution transmitted by the Mayor on June 25, 2014.

(c) The Executive has questioned the legal sufficiency of 2 related articles in the compensation agreement, Article 18 (Overtime) and Articles 44 (Tour of Duty, formerly Article 45), and litigation is pending that affects these articles.

(d) The resolution transmitted by the Mayor would have disapproved language from these 2 articles and approved the rest of the award. However, there is no provision of law permitting the Council to accept in part or reject in part provisions of the contract.

(e) The Council instead approves the award by emergency act, explicitly noting that in doing so the Council does not intend this approval to prejudice the pending litigation.

(f) Accepting the compensation agreement, with the arbitrator’s asterisk regarding pending litigation and while acknowledging the litigation over tour of duty and overtime pay, does not prejudice the government (or the union) in the current litigation. However, to disapprove Articles 18 and 44, as the Executive seeks, does prejudice the litigation.

(g) Additionally, rejecting 2 articles of the compensation agreement, even if there were authority to do so, would have the absurd effect of requiring that the agreement be resubmitted for renegotiation—a prospect the Executive has also admitted is absurd.

ENROLLED ORIGINAL

(h) The interest arbitration award and compensation agreement include pay raises that Local 36 members have not seen since 2006.

(i) Acting on this compensation agreement now will have a positive effect on the employees of the Fire and Emergency Medical Services Department.

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 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 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-589

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare the existence of an emergency with respect to approve the negotiated compensation collective bargaining agreement submitted by the Mayor for certain employees in Compensation Unit 19.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Compensation Agreement between the District of Columbia and Compensation Unit 19 Emergency Declaration Resolution of 2014".

Sec. 2. (a) The District of Columbia negotiated a compensation agreement for District of Columbia employees in Compensation Unit 19 that requires certain compensation increases over a period of 5 years. The Mayor proposes, as agreed with the Union, that the first such compensation increase is made effective retroactively to April 1, 2013, which constitutes implementation of a new pay schedule and a resulting minimum increase of 3% in each bargaining unit member's gross salary. In order for this to occur in accordance with the terms of the negotiated agreement, the new pay schedule must be authorized as quickly as possible.

(b) In order to effectuate the terms of the compensation agreement in Fiscal Year 2014, the Mayor recommends that the Compensation Agreement between the District of Columbia and Compensation Unit 19 Emergency Approval Resolution of 2014 be approved on an emergency basis.

(c) Failure to effectuate the express terms of the negotiated agreement may result in undermining the confidence of union members in the District of Columbia Government and its leadership.

(d) Failure to act in an expedited manner may jeopardize the future relationship between labor and management in the District of Columbia and the success of collaborative efforts, as agreed under the terms of the negotiated agreement.

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 Compensation Agreement between the District of Columbia and Compensation Unit 19 Emergency Approval Resolution of 2014 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-590

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To approve, on an emergency basis, the negotiated compensation collective bargaining agreement submitted by the Mayor for certain employees in Compensation Unit 19.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Compensation Agreement between the District of Columbia and Compensation Unit 19 Emergency Approval Resolution 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 of the District of Columbia approves the compensation agreement negotiated through collective bargaining between the Government of the District of Columbia and the collective bargaining representatives of Compensation Unit 19, which was transmitted to the Council by the Mayor on June 6, 2014.

(b) The resolution applies to employees at the following departments and offices: Department of Corrections, Department of Health, the Department of Human Services, Department of Youth Rehabilitation Services, and Office of the Chief Medical Examiner.

(c) This resolution does not apply to employees in the Department of Behavioral Health.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, each to the Compensation Unit 19 and the Mayor.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-591

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 negotiated compensation collective bargaining agreement submitted by the Mayor for District of Columbia Department of Behavioral Health employees who are represented by the Doctors' Council of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Compensation Agreement between the District of Columbia and the Doctors' Council of the District of Columbia Emergency Declaration Resolution of 2014".

Sec. 2. (a) The District of Columbia negotiated a compensation agreement with the Doctors' Council of the District of Columbia that requires certain compensation increases over a period of 3 years. The Mayor proposes, as agreed with the Union, that the first such compensation increase is made effective April 1, 2013, which constitutes a change to the affected pay schedule and a resulting minimum increase of 3% in each bargaining unit member's gross salary.

(b) To comply with section 1717(f)(1) 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(f)(1)), which provides "that negotiations shall be completed prior to submission of a budget" for the years covered by the agreement, this agreement must be acted on by Council immediately.

(c) In order to effectuate the terms of the compensation agreement in Fiscal Year 2014, the Mayor recommends that the compensation agreement between the Government of the District of Columbia and the Doctors' Council of the District of Columbia be approved on an emergency basis.

(d) Failure to effectuate the express terms of the negotiated agreement may result in undermining the confidence of union members in the District of Columbia Government and its leadership.

(e) Failure to act in an expedited manner may jeopardize the future relationship between labor and management in the District of Columbia and the success of collaborative efforts, as agreed under the terms of the negotiated agreement.

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 Compensation Agreement between the District of Columbia and the Doctors' Council of the District of Columbia Emergency Approval Resolution of 2014 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-592

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To approve, on an emergency basis, the negotiated compensation collective bargaining agreement submitted by the Mayor for District of Columbia Department of Behavioral Health employees who are represented by the Doctors' Council of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Compensation Agreement between the District of Columbia and the Doctors' Council of the District of Columbia Emergency Approval Resolution 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 of the District of Columbia approves the compensation agreement between the District of Columbia Department of Behavioral Health and the Doctors' Council of the District of Columbia, which was transmitted by the Mayor to the Council on June 6, 2014.

(b) This resolution applies to bargaining unit physicians employed by the Department of Behavioral Health.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Doctors' Council of the District of Columbia and to the Mayor.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-593

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 proposed compensation system changes for uniformed members of the Metropolitan Police Department not covered by collective bargaining.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Career and Excepted Service Employees Compensation System Changes for Police Officials Emergency Declaration Resolution of 2014”.

Sec. 2. (a) It has become necessary to adjust the salary schedules by 1% for non-union police officers in the Career and Excepted Service that were included in the Career, Educational, Excepted, Management Supervisory, Legal and Executive Services for Non-Collective Bargaining Unit Employees Compensation System Changes Emergency Approval Resolution of 2013, effective June 18, 2013 (Res. 20-166; 60 DCR 9600), retroactively to the first pay period on or after April 1, 2013.

(b) Pursuant to the Settlements and Interest Arbitration Award between the District of Columbia Government and the Fraternal Order of Police MPD Labor Committee (Compensation Unit 3) Emergency Approval Resolution of 2014, approved May 6, 2014 (Res. 20-482; 61 DCR 4896), union employees in the Metropolitan Police Department occupying uniformed positions below Class 5 are scheduled to receive a 4% base salary increase effective the first pay period on or after April 1, 2013.

(c) The salary increases and effective date in subsection (a) of this section are consistent with the salary increase awarded to Compensation Unit 3 and will reduce the gap between collective bargaining unit and non-collective bargaining unit uniformed members of the Metropolitan Police Department.

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 Career and Excepted Service Employees Compensation System Changes for Police Officials Emergency Approval Resolution of 2014 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-594

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To approve, on an emergency basis, the proposed compensation system changes submitted by the Mayor for certain uniformed members of the Metropolitan Police Department not covered by collective bargaining.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Career and Excepted Service Employees Compensation System Changes for Police Officials Emergency Approval Resolution of 2014”.

Sec. 2. Pursuant to sections 1105 and 1106 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 §§ 1-611.05 and 1-611.06), the Council of the District of Columbia approves the proposed compensation system changes recommended by the Mayor for a salary increase of 1% to the salary of Career and Excepted Service employees not covered by collective bargaining in the Metropolitan Police Department occupying the positions of Lieutenant, Captain, Inspector, Commander, and Assistant Chief, which were transmitted by the Mayor to the Council on June 9, 2014.

Sec. 3. The proposed compensation system changes referred to in section 2 are approved as follows:

ENROLLED ORIGINAL

District of Columbia Government Salary Schedule: Police Service (Non-Union)



Fiscal Year: 2015
Effective Date: 10/05/14
Union/Nonunion: Non-union **Affected CBU/Service Code(s):** XAA D01, XAA D11
Pay Plan/Schedule: Police Service
Peoplesoft Schedule: PS0002

% Increase: 3%
Resolution Number:
Date of Resolution:

| Grade | | Steps | | | | |
|--|--|------------|------------|------------|------------|------------|
| | | 1 | 2 | 3 | 4 | 5 |
| Class 05 Lieutenant | Base Annual Salary April 7, 2013 | \$ 79,690 | \$ 84,089 | \$ 88,697 | \$ 93,578 | \$ 98,724 |
| | Base Pay with 3% Increase as of October 5, 2014= Base Pay #1 | \$ 82,081 | \$ 86,612 | \$ 91,358 | \$ 96,386 | \$ 101,686 |
| | Retention Allowance less than 20 yrs: Pay #1 + 4.2% = Pay #2 | \$ 85,528 | \$ 90,250 | \$ 95,195 | \$ 100,434 | \$ 105,957 |
| | Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #2= Pay #3 | \$ 89,804 | \$ 94,526 | \$ 99,472 | \$ 104,710 | \$ 110,233 |
| | Base Retention Differential- 20 or more YOS: Pay #2 + 5%= Pay #4 | \$ 89,804 | \$ 94,762 | \$ 99,955 | \$ 105,455 | \$ 111,254 |
| | Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #4= Pay #5 | \$ 98,785 | \$ 103,743 | \$ 108,936 | \$ 114,436 | \$ 120,235 |
| | Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #4= Pay #6 | \$ 103,275 | \$ 108,233 | \$ 113,426 | \$ 118,926 | \$ 124,725 |
| Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #4= Pay #7 | \$ 107,765 | \$ 112,723 | \$ 117,916 | \$ 123,416 | \$ 129,215 | |
| Class 07 Captain | Base Annual Salary April 7, 2013 | \$ 94,409 | \$ 99,319 | \$ 104,484 | \$ 109,918 | |
| | Base Pay with 3% Increase as of October 5, 2014= Base Pay #1 | \$ 97,241 | \$ 102,299 | \$ 107,618 | \$ 113,215 | |
| | Retention Allowance less than 20 yrs: Pay #1 + 4.2% = Pay #2 | \$ 101,326 | \$ 106,595 | \$ 112,138 | \$ 117,970 | |
| | Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #2= Pay #3 | \$ 106,392 | \$ 111,661 | \$ 117,204 | \$ 123,036 | |
| | Base Retention Differential- 20 or more YOS: Pay #2 + 5%= Pay #4 | \$ 106,392 | \$ 111,925 | \$ 117,745 | \$ 123,869 | |
| | Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #4= Pay #5 | \$ 117,031 | \$ 122,564 | \$ 128,384 | \$ 134,508 | |
| | Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #4= Pay #6 | \$ 122,351 | \$ 127,884 | \$ 133,704 | \$ 139,827 | |
| Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #4= Pay #7 | \$ 127,670 | \$ 133,203 | \$ 139,023 | \$ 145,147 | | |

ENROLLED ORIGINAL

District of Columbia Government Salary Schedule: Police Service (Non-Union)



Fiscal Year: 2015
 Effective Date: 10/05/14
 Union/Nonunion: Non-union Affected CBU/Service Code(s): XAA D01, XAA D11
 Pay Plan/Schedule: Police Service
 Peoplesoft Schedule: PS0002

% Increase: 3%

Resolution Number:

Date of Resolution:

| Grade | | 1 | 2 | 3 | Steps | 4 | 5 |
|--------------------------|--|------------|------------|------------|------------|---|---|
| Class 08 Inspector | Base Annual Salary April 7, 2013 | \$ 105,052 | \$ 110,518 | \$ 116,262 | \$ 122,310 | | |
| | Base Pay with 3% Increase as of October 5, 2014= Base Pay #1 | \$ 108,204 | \$ 113,833 | \$ 119,749 | \$ 125,980 | | |
| | Retention Allowance less than 20 yrs: Pay #1 + 4.2% = Pay #2 | \$ 112,749 | \$ 118,614 | \$ 124,779 | \$ 131,271 | | |
| | Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #2= Pay #3 | \$ 118,386 | \$ 124,252 | \$ 130,416 | \$ 136,908 | | |
| | Base Retention Differential- 20 or more YOS: Pay #2 + 5%= Pay #4 | \$ 118,386 | \$ 124,545 | \$ 131,018 | \$ 137,834 | | |
| | Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #4= Pay #5 | \$ 130,225 | \$ 136,384 | \$ 142,856 | \$ 149,673 | | |
| | Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #4= Pay #6 | \$ 136,144 | \$ 142,303 | \$ 148,776 | \$ 155,592 | | |
| | Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #4= Pay #7 | \$ 142,063 | \$ 148,222 | \$ 154,695 | \$ 161,511 | | |
| Class 09 Commander | Base Annual Salary April 7, 2013 | \$ 123,286 | \$ 131,546 | \$ 140,358 | \$ 149,765 | | |
| | Base Pay with 3% Increase as of October 5, 2014= Base Pay #1 | \$ 126,984 | \$ 135,493 | \$ 144,569 | \$ 154,258 | | |
| | Retention Allowance less than 20 yrs: Pay #1 + 4.2% = Pay #2 | \$ 132,318 | \$ 141,184 | \$ 150,641 | \$ 160,737 | | |
| | Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #2= Pay #3 | \$ 138,934 | \$ 147,799 | \$ 157,257 | \$ 167,353 | | |
| | Base Retention Differential- 20 or more YOS: Pay #2 + 5%= Pay #4 | \$ 138,934 | \$ 148,243 | \$ 158,173 | \$ 168,774 | | |
| | Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #4= Pay #5 | \$ 152,827 | \$ 162,136 | \$ 172,066 | \$ 182,667 | | |
| | Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #4= Pay #6 | \$ 159,774 | \$ 169,976 | \$ 182,906 | \$ 203,507 | | |
| | Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #4= Pay #7 | \$ 166,720 | \$ 176,029 | \$ 185,960 | \$ 196,561 | | |
| Class 10 Assistant Chief | Base Annual Salary April 7, 2013 | \$ 145,175 | \$ 154,851 | \$ 165,164 | | | |
| | Base Pay with 3% Increase as of October 5, 2014= Base Pay #1 | \$ 149,530 | \$ 159,496 | \$ 170,119 | | | |
| | Retention Allowance less than 20 yrs: Pay #1 + 4.2% = Pay #2 | \$ 155,810 | \$ 166,195 | \$ 177,264 | | | |
| | Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #2= Pay #3 | \$ 163,601 | \$ 173,996 | \$ 185,055 | | | |
| | Base Retention Differential- 20 or more YOS: Pay #2 + 5%= Pay #4 | \$ 163,601 | \$ 174,505 | \$ 186,128 | | | |
| | Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #4= Pay #5 | \$ 179,961 | \$ 190,865 | \$ 202,488 | | | |
| | Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #4= Pay #6 | \$ 188,141 | \$ 199,045 | \$ 210,668 | | | |
| | Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #4= Pay #7 | \$ 196,321 | \$ 207,225 | \$ 218,848 | | | |

ENROLLED ORIGINAL

District of Columbia Government Salary Schedule: Police Service (Non-Union)



Fiscal Year: 2016
 Effective Date: 10/04/15
 Union/Nonunion: Non-union Affected CBU/Service Code(s): XAA D01, XAA D11
 Pay Plan/Schedule: Police Service
 Peoplesoft Schedule: PS0002
 % Increase: 3%
 Resolution Number:
 Date of Resolution:

| Grade | | Steps | | | | |
|--|--|------------|------------|------------|------------|------------|
| | | 1 | 2 | 3 | 4 | 5 |
| Class 05 Lieutenant | Base Annual Salary October 3, 2014 | \$ 82,081 | \$ 86,612 | \$ 91,358 | \$ 96,386 | \$ 101,686 |
| | Base Pay with 3% increase as of October 4, 2015= Base Pay #1 | \$ 84,543 | \$ 89,210 | \$ 94,099 | \$ 99,277 | \$ 104,736 |
| | Retention Allowance less than 20 yrs: Pay #1 + 4.2% = Pay #2 | \$ 88,094 | \$ 92,957 | \$ 98,051 | \$ 103,447 | \$ 109,135 |
| | Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #2= Pay #3 | \$ 92,499 | \$ 97,362 | \$ 102,456 | \$ 107,851 | \$ 113,540 |
| | Base Retention Differential- 20 or more YOS: Pay #2 + 5%= Pay #4 | \$ 92,499 | \$ 97,605 | \$ 102,954 | \$ 108,619 | \$ 114,592 |
| | Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #4= Pay #5 | \$ 101,748 | \$ 106,855 | \$ 112,204 | \$ 117,869 | \$ 123,842 |
| | Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #4= Pay #6 | \$ 106,373 | \$ 111,480 | \$ 116,829 | \$ 122,494 | \$ 128,467 |
| Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #4= Pay #7 | \$ 110,998 | \$ 116,105 | \$ 121,454 | \$ 127,119 | \$ 133,092 | |
| Class 07 Captain | Base Annual Salary October 3, 2014 | \$ 97,241 | \$ 102,299 | \$ 107,618 | \$ 113,215 | |
| | Base Pay with 3% increase as of October 4, 2015= Base Pay #1 | \$ 100,159 | \$ 105,367 | \$ 110,847 | \$ 116,612 | |
| | Retention Allowance less than 20 yrs: Pay #1 + 4.2% = Pay #2 | \$ 104,365 | \$ 109,793 | \$ 115,502 | \$ 121,509 | |
| | Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #2= Pay #3 | \$ 109,584 | \$ 115,011 | \$ 120,720 | \$ 126,728 | |
| | Base Retention Differential- 20 or more YOS: Pay #2 + 5%= Pay #4 | \$ 109,584 | \$ 115,283 | \$ 121,277 | \$ 127,585 | |
| | Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #4= Pay #5 | \$ 120,542 | \$ 126,241 | \$ 132,236 | \$ 138,543 | |
| | Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #4= Pay #6 | \$ 126,021 | \$ 131,720 | \$ 137,715 | \$ 144,022 | |
| Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #4= Pay #7 | \$ 131,500 | \$ 137,199 | \$ 143,194 | \$ 149,501 | | |

ENROLLED ORIGINAL

District of Columbia Government Salary Schedule: Police Service (Non-Union)



Fiscal Year: 2016
Effective Date: 10/04/15
Union/Nonunion: Non-union **Affected CBU/Service Code(s):** XAA D01, XAA D11
Pay Plan/Schedule: Police Service
Peoplesoft Schedule: PS0002

% Increase: 3%
Resolution Number:
Date of Resolution:

| Grade | | Steps | | | | |
|--|--|------------|------------|------------|------------|---|
| | | 1 | 2 | 3 | 4 | 5 |
| Class 08 Inspector | Base Annual Salary October 5, 2014 | \$ 108,204 | \$ 113,833 | \$ 119,749 | \$ 125,980 | |
| | Base Pay with 3% Increase as of October 4, 2015= Base Pay #1 | \$ 111,450 | \$ 117,248 | \$ 123,342 | \$ 129,759 | |
| | Retention Allowance less than 20 yrs: Pay #1 + 4.2% = Pay #2 | \$ 116,131 | \$ 122,173 | \$ 128,522 | \$ 135,209 | |
| | Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #2= Pay #3 | \$ 121,938 | \$ 127,979 | \$ 134,329 | \$ 141,015 | |
| | Base Retention Differential- 20 or more YOS: Pay #2 + 5%= Pay #4 | \$ 121,938 | \$ 128,281 | \$ 134,948 | \$ 141,969 | |
| | Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #4= Pay #5 | \$ 134,131 | \$ 140,475 | \$ 147,142 | \$ 154,163 | |
| | Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #4= Pay #6 | \$ 140,228 | \$ 146,572 | \$ 153,239 | \$ 160,260 | |
| Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #4= Pay #7 | \$ 146,325 | \$ 152,669 | \$ 159,336 | \$ 166,357 | | |
| Class 09 Commander | Base Annual Salary October 5, 2014 | \$ 126,984 | \$ 135,493 | \$ 144,569 | \$ 154,258 | |
| | Base Pay with 3% Increase as of October 4, 2015= Base Pay #1 | \$ 130,794 | \$ 139,558 | \$ 148,906 | \$ 158,886 | |
| | Retention Allowance less than 20 yrs: Pay #1 + 4.2% = Pay #2 | \$ 136,287 | \$ 145,419 | \$ 155,160 | \$ 165,559 | |
| | Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #2= Pay #3 | \$ 143,102 | \$ 152,233 | \$ 161,975 | \$ 172,373 | |
| | Base Retention Differential- 20 or more YOS: Pay #2 + 5%= Pay #4 | \$ 143,102 | \$ 152,890 | \$ 162,918 | \$ 173,837 | |
| | Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #4= Pay #5 | \$ 157,412 | \$ 167,000 | \$ 177,228 | \$ 188,147 | |
| | Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #4= Pay #6 | \$ 164,567 | \$ 174,465 | \$ 185,694 | \$ 197,612 | |
| Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #4= Pay #7 | \$ 171,722 | \$ 181,310 | \$ 191,539 | \$ 202,457 | | |
| Class 10 Assistant Chief | Base Annual Salary October 5, 2014 | \$ 149,530 | \$ 159,496 | \$ 170,119 | | |
| | Base Pay with 3% Increase as of October 4, 2015= Base Pay #1 | \$ 154,016 | \$ 164,281 | \$ 175,223 | | |
| | Retention Allowance less than 20 yrs: Pay #1 + 4.2% = Pay #2 | \$ 160,484 | \$ 171,181 | \$ 182,582 | | |
| | Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #2= Pay #3 | \$ 168,509 | \$ 179,205 | \$ 190,807 | | |
| | Base Retention Differential- 20 or more YOS: Pay #2 + 5%= Pay #4 | \$ 168,509 | \$ 179,740 | \$ 191,711 | | |
| | Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #4= Pay #5 | \$ 185,360 | \$ 196,591 | \$ 208,562 | | |
| | Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #4= Pay #6 | \$ 193,785 | \$ 205,016 | \$ 216,988 | | |
| Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #4= Pay #7 | \$ 202,210 | \$ 213,442 | \$ 225,413 | | | |

ENROLLED ORIGINAL

District of Columbia Government Salary Schedule: Police Service (Non-Union)



Fiscal Year: 2017

Effective Date: 10/02/16

Union/Nonunion: Non-union **Affected CBU/Service Code(s):** XAA D01, XAA D11

Pay Plan/Schedule: Police Service
Peoplesoft Schedule: PS0002

% Increase: 3%

Resolution Number:

Date of Resolution:

| Grade | | Steps | | | | |
|--|--|------------|------------|------------|------------|------------|
| | | 1 | 2 | 3 | 4 | 5 |
| Class 05 Lieutenant | Base Annual Salary October 4, 2013 | \$ 84,543 | \$ 89,210 | \$ 94,099 | \$ 99,277 | \$ 104,736 |
| | Base Pay with 3% Increase as of October 2, 2016= Base Pay #1 | \$ 87,079 | \$ 91,887 | \$ 96,922 | \$ 102,255 | \$ 107,878 |
| | Retention Allowance less than 20 yrs: Pay #1 + 4.2% = Pay #2 | \$ 90,737 | \$ 95,746 | \$ 100,993 | \$ 106,550 | \$ 112,409 |
| | Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #2= Pay #3 | \$ 95,274 | \$ 100,283 | \$ 105,530 | \$ 111,087 | \$ 116,946 |
| | Base Retention Differential- 20 or more YOS: Pay #2 + 5%= Pay #4 | \$ 95,274 | \$ 100,533 | \$ 106,042 | \$ 111,878 | \$ 118,030 |
| | Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #4= Pay #5 | \$ 104,801 | \$ 110,060 | \$ 115,570 | \$ 121,405 | \$ 127,557 |
| | Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #4= Pay #6 | \$ 109,565 | \$ 114,824 | \$ 120,333 | \$ 126,169 | \$ 132,321 |
| Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #4= Pay #7 | \$ 114,328 | \$ 119,588 | \$ 125,097 | \$ 130,932 | \$ 137,085 | |
| Class 07 Captain | Base Annual Salary October 4, 2013 | \$ 100,159 | \$ 105,367 | \$ 110,847 | \$ 116,612 | |
| | Base Pay with 3% Increase as of October 2, 2016= Base Pay #1 | \$ 103,163 | \$ 108,529 | \$ 114,172 | \$ 120,110 | |
| | Retention Allowance less than 20 yrs: Pay #1 + 4.2% = Pay #2 | \$ 107,496 | \$ 113,087 | \$ 118,967 | \$ 125,155 | |
| | Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #2= Pay #3 | \$ 112,871 | \$ 118,462 | \$ 124,342 | \$ 130,529 | |
| | Base Retention Differential- 20 or more YOS: Pay #2 + 5%= Pay #4 | \$ 112,871 | \$ 118,741 | \$ 124,916 | \$ 131,412 | |
| | Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #4= Pay #5 | \$ 124,158 | \$ 130,028 | \$ 136,203 | \$ 142,699 | |
| | Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #4= Pay #6 | \$ 129,802 | \$ 135,672 | \$ 141,846 | \$ 148,343 | |
| Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #4= Pay #7 | \$ 135,445 | \$ 141,315 | \$ 147,490 | \$ 153,986 | | |

ENROLLED ORIGINAL

District of Columbia Government Salary Schedule: Police Service (Non-Union)



Fiscal Year: 2017
Effective Date: 10/02/16
Union/Nonunion: Non-union **Affected CBU/Service Code(s):** XAA D01, XAA D11
Pay Plan/Schedule: Police Service
Peoplesoft Schedule: PS0002

% Increase: 3%
Resolution Number:
Date of Resolution:

| Grade | | Steps | | | | |
|--------------------------|--|------------|------------|------------|------------|---|
| | | 1 | 2 | 3 | 4 | 5 |
| Class 08 Inspector | Base Annual Salary October 4, 2015 | \$ 111,450 | \$ 117,248 | \$ 123,342 | \$ 129,750 | |
| | Base Pay with 3% Increase as of October2, 2016= Base Pay #1 | \$ 114,794 | \$ 120,766 | \$ 127,042 | \$ 133,652 | |
| | Retention Allowance less than 20 yrs:Pay #1 + 4.2% = Pay #2 | \$ 119,615 | \$ 125,838 | \$ 132,378 | \$ 139,265 | |
| | Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #2= Pay #3 | \$ 125,596 | \$ 131,819 | \$ 138,359 | \$ 145,246 | |
| | Base Retention Differential- 20 or more YOS: Pay #2 + 5%= Pay #4 | \$ 125,596 | \$ 132,130 | \$ 138,997 | \$ 146,228 | |
| | Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #4= Pay #5 | \$ 138,155 | \$ 144,689 | \$ 151,556 | \$ 158,788 | |
| | Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #4= Pay #6 | \$ 144,435 | \$ 150,969 | \$ 157,836 | \$ 165,068 | |
| | Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #4= Pay #7 | \$ 150,715 | \$ 157,249 | \$ 164,116 | \$ 171,347 | |
| Class 09 Commander | Base Annual Salary October 4, 2015 | \$ 130,794 | \$ 139,558 | \$ 148,906 | \$ 158,886 | |
| | Base Pay with 3% Increase as of October2, 2016= Base Pay #1 | \$ 134,718 | \$ 143,744 | \$ 153,373 | \$ 163,652 | |
| | Retention Allowance less than 20 yrs:Pay #1 + 4.2% = Pay #2 | \$ 140,376 | \$ 149,782 | \$ 159,815 | \$ 170,526 | |
| | Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #2= Pay #3 | \$ 147,395 | \$ 156,800 | \$ 166,834 | \$ 177,545 | |
| | Base Retention Differential- 20 or more YOS: Pay #2 + 5%= Pay #4 | \$ 147,395 | \$ 157,271 | \$ 167,806 | \$ 179,052 | |
| | Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #4= Pay #5 | \$ 162,134 | \$ 172,010 | \$ 182,545 | \$ 193,792 | |
| | Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #4= Pay #6 | \$ 169,504 | \$ 179,119 | \$ 190,655 | \$ 215,901 | |
| | Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #4= Pay #7 | \$ 176,874 | \$ 186,750 | \$ 197,285 | \$ 208,531 | |
| Class 10 Assistant Chief | Base Annual Salary October 4, 2015 | \$ 154,016 | \$ 164,281 | \$ 175,223 | | |
| | Base Pay with 3% Increase as of October2, 2016= Base Pay #1 | \$ 158,636 | \$ 169,210 | \$ 180,480 | | |
| | Retention Allowance less than 20 yrs:Pay #1 + 4.2% = Pay #2 | \$ 165,299 | \$ 176,316 | \$ 188,060 | | |
| | Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #2= Pay #3 | \$ 173,564 | \$ 184,581 | \$ 196,325 | | |
| | Base Retention Differential- 20 or more YOS: Pay #2 + 5%= Pay #4 | \$ 173,564 | \$ 185,132 | \$ 197,463 | | |
| | Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #4= Pay #5 | \$ 190,920 | \$ 202,489 | \$ 214,819 | | |
| | Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #4= Pay #6 | \$ 199,599 | \$ 211,167 | \$ 223,497 | | |
| | Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #4= Pay #7 | \$ 208,277 | \$ 219,845 | \$ 232,176 | | |

Sec. 4. Applicability.

(a) For Fiscal Year 2013, the compensation system changes in section 3 shall be effective retroactively on April 7, 2013.

(b) For Fiscal Years 2015, 2016, and 2017, the compensation system changes in section 3 shall be effective the first pay period on or after October 1st of that fiscal year.

Sec. 5. Transmittal.

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

Sec. 6. 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. 7. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-187

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To posthumously recognize and honor the life of Robert T. Cole, and to declare May 6, 2014, as “Robert T. Cole Day” in the District of Columbia.

WHEREAS, Robert T. Cole was born on June 11, 1939, to Robert H. Cole and Geraldine Cole., and departed this life peacefully on October 15, 2013;

WHEREAS, Robert T. Cole graduated from Falls Church High School in Falls Church, Virginia;

WHEREAS, Robert T. Cole developed a passion for art, particularly sculpture, and studied at a number of colleges, but learned mostly from experience and from his travels with his parents when on tours of duty with the U.S. Army;

WHEREAS, Robert T. Cole met and married his wife, Susan Warner Cole, in 1975, in Los Angeles, California;

WHEREAS, Robert and Susan Cole returned to the District of Columbia to care for Robert’s elderly parents;

WHEREAS, following the deaths of Robert’s parents, Robert and Susan decided to establish an art studio in the District of Columbia where sculptures, plays, and music would be performed, and an atmosphere of creativity would emanate;

WHEREAS, Robert and Susan Cole purchased a carriage house in the Dupont Circle neighborhood and established Robert Cole Studios, also known as Studiocolle;

WHEREAS, Robert T. Cole was respected in the business community and admired for his artwork and artistic abilities, and received commissions from restaurants on the U Street corridor, The Washington Post, and the Washington Metropolitan Transit Authority;

WHEREAS, Robert T. Cole’s artwork is generously on loan to the T Street Dog Park;

ENROLLED ORIGINAL

WHEREAS, Robert T. Cole has many commissioned sculptures for projects with the locally based E.D.G. architectural firm, including the *3 Tree Flats* sculpture on Georgia Avenue, in the Petworth community;

WHEREAS, Robert T. Cole's sculpture, *The Thought*, was purchased by The JBG Companies to be placed at Tyson's West, a new multi-use property in Tysons Corner;

WHEREAS, Robert T. Cole created a sculpture park on 7th Street across from Touchstone Gallery in the 1990's;

WHEREAS, Robert T. Cole was both a mentor and teacher, helping to train and set up young beginning sculptors;

WHEREAS, Robert T. Cole's employees learned not only the process and logistics of sculpture making, but also the work ethic he exemplified; and

WHEREAS: Robert T. Cole was beloved by many, not just for his talent as a sculptor but also for his lively spirit, his in-depth discussions, his musical talent, his generosity, and his love of a good time.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Robert T. Cole Posthumous Recognition Resolution of 2014".

Sec. 2. The Council of the District of Columbia recognizes and honors Robert T. Cole for his invaluable contributions and service to the District of Columbia, and hereby declares May 6, 2014, as "Robert T. Cole Day" in the District of Columbia.

Sec 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-188

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To recognize and honor the Youth Pride Alliance for its commitment to the gay, lesbian, bisexual, transgendered, and sexually questioning youth in the District of Columbia and surrounding areas and to declare May 3, 2014, as “Youth Pride Day” in the District of Columbia.

WHEREAS, Youth Pride Day was founded in 1996 as a day- long celebration for gay, lesbian, bisexual, transgender, and sexually questioning youth;

WHEREAS, Youth Pride Day has been held in the DuPont Neighborhood Area of Washington, D.C.;

WHEREAS, Youth Pride Day has provided gay, lesbian, bisexual, transgender, and sexually questioning youth a place where they can discover their identities and challenge society to stop the hate, the violence, the fear, the isolation, and the denial; and

WHEREAS, Youth Pride Day has brought over 2,000 young adults from the surrounding Washington, D.C. metropolitan area to its festival.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Youth Pride Day, Washington, D.C. Recognition Resolution of 2014".

Sec. 2. The Council of the District of Columbia recognizes and honors the Youth Pride Alliance for its commitment to the gay, lesbian, bi-sexual, transgendered and sexually questioning youth in the District of Columbia and surrounding areas and declares May 3, 2014, “Youth Pride Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-189

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To recognize Reverend William B. Lewis for his 18 dedicated years as Vicar and Rector of St. Philip the Evangelist Episcopal Church of Anacostia, Washington, D.C., and to declare June 30, 2014, as "Reverend Canon Dr. William B. Lewis Day" in the District of Columbia.

WHEREAS, effective April 1, 1996, Reverend Lewis accepted the call to be the part-time Vicar of the Chapel of St. Philip the Evangelist;

WHEREAS, on Sunday, April 21, 2002, he was installed as the very First Rector of St. Philip the Evangelist Episcopal Parish;

WHEREAS, on Sunday, October 6, 2002, with the consent of The Right Reverend John B. Chane, then Bishop of the Diocese of Washington, Reverend Lewis was installed as Honorary Canon of the Cathedral Church of St. George, Diocese of Freetown, Sierra Leone, by The Right Reverend Julius O. P. Lynch, Bishop of Freetown;

WHEREAS, St. Philip the Evangelist Episcopal Church is located at 2001 14th Street, S.E., Washington, D.C., in the historic Anacostia neighborhood;

WHEREAS, St. Philip the Evangelist Episcopal Church has served the Anacostia community area for nearly 127 years;

WHEREAS, under the leadership of Reverend Lewis, the church has become a center of community improvement and a catalyst for social action in Anacostia;

WHEREAS, Reverend Lewis has been a member of the Southeast Ministerial Council for many years;

WHEREAS, Reverend Lewis is a member of the Board of Director for Covenant House and has served Covenant House faithfully for many years, including attending meetings even while working as a professor at Bowie State University;

ENROLLED ORIGINAL

WHEREAS, Reverend Lewis founded the St. Philip's Child Development Center that serves low-income working residents with quality child care and early childhood development;

WHEREAS, St. Philip has a Food Bank that has served the Anacostia area for more than 20 years; and

WHEREAS, Reverend Lewis continues to be actively involved in issues and organizations that concern him and has served the citizens of Anacostia with great honor and distinction.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Reverend Canon Dr. William B. Lewis Recognition Resolution of 2014".

Sec. 2. The Council of the District of Columbia recognizes and honors the many years of spiritual and community leadership and service provided to the citizens of the historic Anacostia neighborhood in Washington, D.C., and declares June 30, 2014, as "Reverend Canon Dr. William B. Lewis Day" in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-190

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To posthumously recognize and honor the life of Dorothy Byrd Lewis, and to declare April 25, 2014, as “Dorothy Byrd Lewis Day” in the District of Columbia.

WHEREAS, Dorothy Byrd Lewis was born on August 5, 1916, and departed this life peacefully on April 17, 2014;

WHEREAS, Dorothy Byrd Lewis graduated from the District of Columbia Public Schools system;

WHEREAS, Dorothy Byrd Lewis had a love for God and committed her life to Christ at an early age;

WHEREAS, Dorothy Byrd Lewis was a faithful member of the Florida Avenue Baptist Church;

WHEREAS, Dorothy Byrd Lewis raised 3 sons: Lester, Robert, and Gerald;

WHEREAS, Dorothy Byrd Lewis made her home in the 700 block of Hobart Place for over 80 years, was a founder of the Hobart Block Club, and served as a model citizen for countless generations of neighborhood children; and

WHEREAS, Dorothy Byrd Lewis was always seen gracing her favorite color: pink.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Dorothy Byrd Lewis Posthumous Recognition Resolution of 2014”.

Sec. 2. The Council of the District of Columbia recognizes and honors Dorothy Byrd Lewis for her invaluable contributions and service to the District of Columbia, and hereby declares April 25, 2014, as “Dorothy Byrd Lewis Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-191

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To recognize and honor the importance of bicycling to the health of our citizens and our environment and to declare May 16, 2014, as “Bike to Work Day” in the District of Columbia.

WHEREAS, bicycle commuting is an effective means to improve air quality, reduce traffic congestion, and conserve energy;

WHEREAS, bicycle commuting helps improve the quality of life of communities by reducing traffic noise;

WHEREAS, bicycle commuting benefits both employees and employers through improved employee health and fitness and reduced commuting and parking costs;

WHEREAS, increasing numbers of employers have installed bicycle parking and other commuter facilities to help encourage employees to commute by bicycle;

WHEREAS, Capital Bikeshare, the regional bike-sharing system, has over 2,500 bicycles and 300 stations within the District of Columbia, Alexandria and Arlington, Virginia, and Montgomery County, Maryland, and is poised for continued expansion;

WHEREAS, The Sustainable DC Plan sets a goal of having 25% of all commutes via bicycle and walking by 2032, and the current rate is 16%; and

WHEREAS, the week of May 12th is National Bike to Work Week, which promotes bicycling as a viable means of transportation to and from work.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “May 16, 2014 Bike to Work Day Recognition Resolution of 2014”.

Sec. 2. The Council of the District of Columbia recognizes the importance of bicycling to the health of our citizens and our environment, and declares May 16, 2014, as “Bike to Work Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-192

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To posthumously honor the life and work of Sheila Leigh Stewart and to declare June 20, 2014, as “Sheila Stewart Memorial Media Day” in the District of Columbia.

WHEREAS, Sheila Leigh Stewart was born February 28, 1969, in Fairfield County, South Carolina;

WHEREAS, Sheila Leigh Stewart attended the public schools of Great Falls, South Carolina, and continued her pursuit of education at Benedict College in Columbia, South Carolina where she received a Bachelor of Arts Degree in Broadcast Journalism;

WHEREAS, Sheila Leigh Stewart, following her college graduation, became a resident of Raleigh, North Carolina, where she was employed as the News/Community Affairs Director on WQQK-FM;

WHEREAS, Sheila Leigh Stewart relocated to Charlotte, North Carolina in 1995 with high aspirations to operate in her gift and worked as a Reporter/Anchor for CBS Affiliate WBTV News 3 with guest appearances on TV Networks NBC, ABC, and FOX NEWS;

WHEREAS, Sheila Leigh Stewart became News Director of CBS Radio WPEG-FM; Correspondent for American Urban Radio Networks; ABC Radio News and National News and Anchor for Syndication One Radio News Networks;

WHEREAS, Sheila Leigh Stewart taught at Johnson C. Smith University and the Chatty’s School of Communication, and many of her students currently work in broadcast media;

WHEREAS, Sheila Leigh Stewart relocated to Washington, D.C. and became Director of News and Community Affairs at Radio One;

WHEREAS, Sheila Leigh Stewart continued her life of dedication to people, and was a thriving leader, community activist, mentor, motivator, friend, mother, daughter, sister, and much more to so many in the Washington, D.C. metropolitan area and around the world; and

ENROLLED ORIGINAL

WHEREAS, Sheila Leigh Stewart, among other honors, served as White House Correspondent for Radio One and Interactive One; received the Washington Post's Black Radio and News Director of the Year Award; selected by First Lady Michelle Obama for Black Women and Girls Forum; received the Dream Award, Congressional Black Caucus Community Excellence Award; and served as News Anchor for President Barack Obama's Inaugural Ceremony.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sheila Leigh Stewart Posthumous Recognition Resolution of 2014".

Sec. 2. The Council of the District of Columbia recognizes and celebrates the life of Sheila Leigh Stewart and declares June 20, 2014, as "Sheila Stewart Memorial Media Day" in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-193

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To recognize the importance of Black Lesbian & Gay Pride Day, Inc. (“DC Black Pride”) to the community and to welcome visitors from this region, across the country, and around the world to the festival and associated events.

WHEREAS, May 23, 2014 through May 25, 2014 marks the 24th Annual DC Black Pride celebration;

WHEREAS, DC Black Pride is the oldest and one of the largest Black Pride events in the world, drawing thousands of visitors from around the globe;

WHEREAS, the mission of DC Black Pride is to increase awareness of and pride in the diversity of the lesbian, gay, bisexual, and transgender in the African American community as well as support organizations that focus on health disparities, education, youth, and families;

WHEREAS, DC Black Pride is led by a volunteer Board of Directors that coordinates this annual event and consists of: Andrea Woody-Macko; Derrick Dunning; Earl Fowlkes, Jr; June Spence; Kenneth Hopson; Kenya Hutton; Lauren Morris; Leandra Gilliam; Marc Morgan; and Robert “Harold” Dinkins;

WHEREAS, as the very first Black Pride festival, DC Black Pride fostered the beginning of the Center for Black Equity (formerly known as the International Federation of Black Prides, Inc. and the “Black Pride Movement,” which now consists of 40 Black Prides on 4 continents;

WHEREAS, DC Black Pride 2014 is a multi-day festival featuring: an opening reception; community town hall meetings; a basketball tournament; educational workshops; a poetry slam; a film festival; a church service; performances by musicians, dancers, and other artists; and the Health and Wellness Expo, the culminating event of DC Black Pride;

ENROLLED ORIGINAL

WHEREAS, DC Black Pride is widely considered to be one of the world's preeminent Black Pride celebrations, drawing more than 30,000 people to the Nation's Capital from across the United States as well as Canada, the Caribbean, South Africa, Great Britain, France, Germany, and the Netherlands; and

WHEREAS, the theme for this year's celebrations is: "I AM BLACK PRIDE".

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "DC Black Lesbian & Gay Pride Recognition Resolution of 2014".

Sec. 2. The Council of the District of Columbia hereby honors the hard work of all those involved in organizing the 24th Annual DC Black Pride Celebration and welcomes visitors from this region and across the country and the world to the 2014 DC Black Pride Festival and associated events.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-194

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To posthumously recognize and honor Julian R. Dugas for his many contributions to the District of Columbia and to Home Rule.

WHEREAS, Julian R. Dugas was born on June 1, 1918, in Greenwood, South Carolina, though he later moved to, and grew up in, Augusta, Georgia;

WHEREAS, Julian R. Dugas received a bachelor's degree in 1940 from the Colored Normal Industrial Agricultural and Mechanical College of South Carolina, now known as South Carolina State University, in Orangeburg, South Carolina;

WHEREAS, Julian R. Dugas served in the United States Navy during World War II;

WHEREAS, Julian R. Dugas, in 1949, following his service in the Navy, obtained his law degree from Howard University in Washington, D.C.;

WHEREAS, Julian R. Dugas began his legal career at the law firm of Cobb, Howard and Hayes;

WHEREAS, Julian R. Dugas was one of the attorneys involved in *Bolling v. Sharpe*, the 1954 landmark civil rights case before the United States Supreme Court, which addressed segregation in the District of Columbia's public schools;

WHEREAS, Julian R. Dugas was a founder of Neighborhood Legal Services, which to this day helps obtain legal assistance to the poor in the District of Columbia;

WHEREAS, Julian R. Dugas served in a number of government positions, before and after Home Rule, including: Director of Economic Development; Chairman of the Alcoholic Beverage Control Board; Director of the Office of Licenses, Inspections and Investigations; and City Administrator;

ENROLLED ORIGINAL

WHEREAS, Julian R. Dugas, in addition to his many years of service in various positions of District government, also served as a tireless advocate for self-governance for the District of Columbia;

WHEREAS, Julian R. Dugas served as special assistant to the President of Howard University as well as a professor at Howard University Law School;

WHEREAS, Julian R. Dugas was a member of St. Luke’s Episcopal Church;

WHEREAS, Julian R. Dugas passed away on April 12, 2014, at the age of 95; and

WHEREAS, Julian R. Dugas will be fondly remembered as a civil rights activist who dedicated his career toward advocating on behalf of the citizens of the District, especially the poor and disenfranchised.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Julian R. Dugas Posthumous Recognition Resolution of 2014”.

Sec. 2. The Council of the District of Columbia recognizes and honors the numerous accomplishments and contributions of Julian R. Dugas.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-195

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To recognize the accomplishments of the District of Columbia Office of Police Complaints Executive Director Philip K. Eure.

WHEREAS, Philip K. Eure was detailed in 1997-1998 to Port-au-Prince as an adviser to the Government of Haiti on a project aimed at reforming the criminal justice system;

WHEREAS, Philip K. Eure was a senior attorney in the Civil Rights Division at the United States Department of Justice, where he litigated on behalf of victims of employment discrimination;

WHEREAS, Philip K. Eure was selected in 2000 to become the first executive director of the District of Columbia Office of Police Complaints, a District oversight agency whose mission is to mediate, investigate, and adjudicate complaints filed against sworn officers of the Metropolitan Police Department and District of Columbia Housing Authority Office of Public Safety;

WHEREAS, under Philip K. Eure’s leadership and guidance, the agency has gained an international reputation for excellence and has helped promote the highest attainable standard of integrity, professionalism, and accountability in policing in the District;

WHEREAS, during his tenure with the District of Columbia Office of Police Complaints, Philip K. Eure became a leading figure in police oversight, publishing articles on police accountability issues and being elected by his peers to serve as the president of the National Association for Civilian Oversight of Law Enforcement;

WHEREAS, in May 2014, Philip K. Eure will leave his position at the District of Columbia Office of Police Complaints to serve as the first Inspector General of the New York City Police Department, the largest law enforcement agency in the United States; and

WHEREAS, there is no question but that Philip K. Eure made the District’s Office of Police Complaints an excellent civilian oversight law enforcement agency (an accomplishment all the more remarkable in light of the failure of its predecessor, the Civilian Complaint Review

ENROLLED ORIGINAL

Board), and the decision of New York City is testament to Philip K. Eure’s skills and success in the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Philip K. Eure Recognition Resolution of 2014”.

Sec. 2. The Council of the District of Columbia recognizes, thanks, and honors Philip K. Eure for his contributions to law enforcement in the District and to the residents of the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-196

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To recognize the 90th anniversary of Seabury Resources for Aging for providing personalized, affordable services and housing options so that older adults in the District of Columbia may age with independence and dignity.

WHEREAS, in 1924, Seabury Resources for Aging (“Seabury”), then the Episcopal Church Home, began providing a home for 5 low-income older adults in Washington, D.C.;

WHEREAS, Seabury has grown as a nonprofit organization, serving more than 10,000 older adults and caregivers in the Washington, D.C. area and engaging more than 3,000 volunteers each year;

WHEREAS, today, Seabury offers affordable retirement housing, meals at community sites and delivered to homes, free and reduced-cost transportation, yard work, heavy housecleaning, social services, nutrition counseling, community education, and many other programs to promote positive, healthy aging;

WHEREAS, most of Seabury’s programs are free or offered on a sliding scale and ensure that older adults have food to eat, affordable, safe, and comfortable housing, and access to services through transportation;

WHEREAS, Seabury encourages older adults to live healthy lifestyles and promotes meaningful engagement for all ages in the community;

WHEREAS, Seabury helps older adults and caregivers select and connect with the most appropriate services and simultaneously provides protection and advocacy for frail and vulnerable older adults;

WHEREAS, Seabury’s housing options and many of its services are the result of a nearly 50-year partnership with the U.S. Department of Housing and Urban Development, its partnership with the D.C. Office on Aging, its volunteer leadership, and broad community support; and

ENROLLED ORIGINAL

WHEREAS, Seabury plans and delivers direct services to Ward 5 and Ward 6 residents 60 years of age and older and their caregivers as the lead agency designated by the Office on Aging for its Aging and Disability Resource Centers in Ward 5 and Ward 6 .

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Seabury Resources for Aging 90th Anniversary Recognition Resolution of 2014”.

Sec. 2. The Council of the District of Columbia recognizes and honors Seabury Resources for Aging on the occasion of its 90th anniversary and its unwavering commitment to older adults in Washington, DC.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-197

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2014

To declare the week of May 6, 2014, through May 12, 2014, as “Nurses Week” in the District of Columbia and encourage citizens to show their support for nurses by commemorating the extraordinary contributions of nurses.

WHEREAS, the District of Columbia Board of Nursing regulates the practice of 20,000 Registered Nurses licensed in the District of Columbia;

WHEREAS, while the national per capita ratio of Nurse Practitioners to population is 3.4 to 10,000, the District of Columbia has the highest per capita ratio of 8.7 to 10,000;

WHEREAS, the majority of District nurses, 51%, have a baccalaureate;

WHEREAS, 16% of nurses practicing in the District have a Master’s degree while the national percentage is 3%;

WHEREAS, nurses are well represented throughout the District of Columbia Department of Health;

WHEREAS, Nurse Case Managers in the D.C. Healthy Start Project provide visits to pregnant and postpartum women in Ward 5, Ward 6, Ward 7, and Ward 8 to reduce infant mortality;

WHEREAS, the Perinatal and Infant Health Bureau Chief manages programs that help to eliminate perinatal disparities and improve birth outcomes;

WHEREAS, the School Health Division Chief oversees programs related to health in schools, including School-Based Health Centers, School Health Nursing, School-Based Oral Health, and the District’s Immunization Program;

WHEREAS, nurses monitor activities related to the School Health Nursing Program Contract and provide technical assistance to all schools, public, private, and parochial;

ENROLLED ORIGINAL

WHEREAS, nurses mentor the visiting Georgetown University nursing students, providing rich and rewarding experiences for the school's Public Health Nursing course practicum;

WHEREAS, the Interim Senior Deputy Director for the Addiction Prevention and Recovery Administration is a nurse; and

WHEREAS, all healthcare facilities in the District of Columbia are overseen by a nurse.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Nurses Week in the District of Columbia Recognition Resolution of 2014".

Sec. 2. The Council of the District of Columbia recognizes and supports nurses in the District of Columbia and encourages citizens to show their support for nurses by declaring May 6, 2014, through May 12, 2014, as "Nurses Week" in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-198

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 28, 2014

To recognize, honor, and express the District’s overwhelming gratitude to Reverend Dean Snyder, Senior Pastor of Foundry United Methodist Church in Washington, D.C. on the occasion of his retirement.

WHEREAS, Dean Snyder is a preacher, writer, and activist who coordinates a talented ministerial and lay staff of Foundry United Methodist Church;

WHEREAS, Dean Snyder is a graduate of Boston University School of Theology and Albright College, formally served as chaplain to Drexel University, and as a religious journalist his articles and essays have been published in dozens of publications, including, *The Christian Century*, *Washington Post*, and *Philadelphia Inquirer*;

WHEREAS, Dean Snyder has served as senior pastor of Foundry United Methodist Church in Washington, D.C. since 2002;

WHEREAS, Foundry United Methodist Church, the largest Methodist church in Washington, D.C., is an ethnically and culturally diverse congregation committed to social justice and inclusion for all peoples;

WHEREAS, during the past decade, Foundry United Methodist Church has helped lead efforts to end homelessness in Washington, D.C., has been active in global development, especially in Haiti, supported efforts by the Children’s Defense Fund to end the cradle-to-prison pipeline among African American and Hispanic males, and advocated for an end to discrimination against lesbian, gay, bisexual, and transgender within its denomination; and

WHEREAS, Dean Snyder will retire July 2014 as Foundry United Methodist Church prepares to celebrate its 200th anniversary, from August 2014 through July 2015.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Dean Snyder Recognition Resolution of 2014”.

Sec. 2. The Council of the District of Columbia recognizes, honors, and salutes Dean

ENROLLED ORIGINAL

Snyder for his 12-year tenure, the third longest of any senior pastor serving Foundry United Methodist Church, congratulates him on his illustrious 42 years of full-time service as a United Methodist minister, and extends sincerest best wishes;

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-199

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 28, 2014

To recognize and honor the Washington Wizards on their winning season, trip to the National Basketball Association (“NBA”) playoffs, and advancing to the second round of the NBA playoffs for the first time since 2005.

WHEREAS, in 1997, under the ownership of the legendary Abe Pollin, the Washington Bullets officially became the Washington Wizards;

WHEREAS, in 1997, the Washington Wizards moved to the then MCI Center, now the Verizon Center, in downtown Washington, D.C.;

WHEREAS, in 2010, Ted Leonsis completed a deal to purchase a majority share of the Washington Wizards and Verizon Center from the Pollin family;

WHEREAS, on January 30, 2014, Washington Wizards point guard John Wall was selected as an East reserve for the 2014 NBA All-Star Game, his first All-Star selection;

WHEREAS, on February 15, 2014, John Wall was voted the dunker of the night in the 2014 NBA Slam Dunk Contest, the first win by a Washington Wizard in a NBA Slam Dunk contest;

WHEREAS, on April 2, 2014, the Washington Wizards defeated the Boston Celtics by a score of 118-92 to clinch the team's first playoff berth since the 2007-08 season;

WHEREAS, the Washington Wizards finished the 2013-2014 regular NBA season with a 44-38 record, the first winning season since 2007-2008;

WHEREAS, on April 29, 2014, the Washington Wizards defeated the Chicago Bulls by a score of 75-69, thus winning the postseason series between the 2 teams, 4-1, and advancing to the second round of the NBA playoffs for the first time since 2005;

ENROLLED ORIGINAL

WHEREAS, on May 5, 2014, the Washington Wizards defeated the Indiana Pacers by a score of 102-96 to win their first second-round game since 1982;

WHEREAS, on May 15, 2014, despite an inspiring and valiant effort, the Washington Wizards lost to the Indiana Pacers, thus ending their season but providing hope for a rich basketball future in the District;

WHEREAS, the Washington Wizards are truly winners in every meaningful way; and

WHEREAS, the excitement stirred, the overwhelming fan support and commitment will carry on, and the Wizards will continue to grow individually and as a team.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Washington Wizards 2013-2014 Season Celebration Recognition Resolution of 2014”.

Sec. 2. The Council of the District of Columbia recognizes and honors the Washington Wizards and their contribution to sports and to the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-200

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 28, 2014

To recognize, honor, and express gratitude to Crystal Sullivan for her commitment to the Georgetown Community and for her numerous contributions to the District of Columbia and its businesses, residents, and visitors.

WHEREAS, Crystal Sullivan started her career in hotel management at the Georgetown Suites over 20 years ago;

WHEREAS, Crystal Sullivan recognized the need for Georgetown business leaders to come together to improve the conditions of the neighborhood in the mid-1990's;

WHEREAS, Crystal Sullivan was present at the creation of the Georgetown BID in 1999;

WHEREAS, Crystal Sullivan became the vice president of the Georgetown BID Board of Directors at a tumultuous time for the organization and played a key role in reestablishing calm management to the organization;

WHEREAS, Crystal Sullivan was the third person, and first woman, elected to serve as the President and Chair of the Georgetown BID Board, in 2009;

WHEREAS, Crystal Sullivan served as co-chair of the Georgetown 2028 community planning process that reached consensus among all 5 major Georgetown community organizations and institutions on a 15-year strategic plan to improve the commercial district;

WHEREAS, Crystal Sullivan has always been the first Georgetown business person to volunteer the resources of her staff and facility to help the BID, including providing hotel rooms to BID staff during snow storms and special events;

WHEREAS, Crystal Sullivan has championed the Georgetown BID's hiring of District of Columbia residents and formerly homeless people; and

WHEREAS, Crystal Sullivan has served as the President and Board Chair of the Georgetown BID for 5 years and is stepping down from this role in July 2014.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Crystal Sullivan Recognition Resolution of 2014”.

Sec. 2. The Council of the District of Columbia is proud to recognize, honor, and express our gratitude to Crystal Sullivan, a community leader who has steered the Georgetown Business Improvement District with a steady hand, good cheer, and sage advice; and made a difference in the way businesses, residents, and visitors experience our most historic commercial neighborhood.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-201

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 28, 2014

To recognize the contributions of DJ Flexx in the entertainment industry and to the residents of the Washington, D.C. metropolitan area, and to declare June 4, 2014, as “DJ Flexx Day” in the District of Columbia.

WHEREAS, DJ Flexx was born and raised in the Washington, D.C. metropolitan area and fell in love with the entertainment industry when he was 12 years old;

WHEREAS, DJ Flexx is the area’s most-noted disc jockey and joined the Black Entertainment Television Family in 1996 as a DJ on Teen Summit;

WHEREAS, DJ Flexx has traveled in Canada, Germany, Switzerland, Mexico, and most recently Africa, where he has rocked parties overseas by providing fans with a taste of the Nation’s Capital, including the District’s original music, Go-Go;

WHEREAS, DJ Flexx throughout his career has collaborated and recorded with the likes of hip hop icons such as Ludacris, Lil Jon, Salt ‘n Pepa, and Groove Theory, to name a few;

WHEREAS, DJ Flexx gives back to the community by lending himself to local nonprofits and schools, working on issues that affect our youth, and provides tutorials to those who are trying to break into the entertainment industry; and

WHEREAS, DJ Flexx is a native of Washington, D.C., and lives in Maryland with his wife and daughter.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "DJ Flexx Recognition Resolution of 2014".

Sec. 2. The Council of the District of Columbia recognizes the ongoing contributions and volunteer work of DJ Flexx and hereby declares June 4, 2014, as “DJ Flexx Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-202

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 28, 2014

To recognize and honor the Lisner-Louise-Dickson-Hurt Home as it celebrates its 75th anniversary and to declare May 29, 2014, as “Lisner-Louise-Dickson-Hurt Home Day” in the District of Columbia.

WHEREAS, the Lisner-Louise-Dickson-Hurt Home is celebrating the 75th anniversary of its incorporation and its dedication to serving the District of Columbia’s seniors;

WHEREAS, the Lisner-Louise-Dickson-Hurt Home was established in 1939 to provide quality care to low- and modest-income seniors;

WHEREAS, the Lisner-Louise-Dickson-Hurt Home maintains a steadfast commitment to its mission to provide excellent health- and life-care services to low- and modest-income seniors of the District of Columbia, empowering them to live their lives to the fullest;

WHEREAS, the Lisner-Louise-Dickson-Hurt Home demonstrates, through its programs and services, the desire to help residents embrace their past, secure their future, and celebrate their individuality;

WHEREAS, the Lisner-Louise-Dickson-Hurt Home is staffed by caring professionals who provide outstanding medical care, housing, nutritional services, psychosocial and recreational programs, and rehabilitative care to all residents;

WHEREAS, the Lisner-Louise-Dickson-Hurt Home is the recipient of numerous prestigious commendations, including the 2013 Bronze National Award for Excellence for both its Skilled Nursing Facility and its Assisted Living Residence; a 2013 five-star rating, the highest attainable, from the Federal Centers for Medicaid and Medicare Services; and, a best nursing home rating for 2014 by U.S. News and World Report;

ENROLLED ORIGINAL

WHEREAS, the Lisner-Louise-Dickson-Hurt Home is an invaluable resource to low- and modest-income seniors and will continue to meet the needs of future generations of District of Columbia seniors with its legacy of superior care; and

WHEREAS, the Lisner-Louise-Dickson-Hurt Home will honor Charlie Brotman with the Laura Lisner Award recognizing his outstanding achievements and efforts to enhance the quality of life for the aging population of the District of Columbia:

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Lisner-Louise-Dickson-Hurt Home Recognition Resolution of 2014”.

Sec. 2. The Council of the District of Columbia acknowledges and honors the Lisner-Louise-Dickson-Hurt Home and its staff on the home’s 75th anniversary for providing loving, respectful, and quality care to the vulnerable yet valuable senior citizens in our community and declares May 29, 2014, as “Lisner-Louise-Dickson-Hurt Home Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-203

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 28, 2014

To recognize and honor the Glover Park community on the 25th anniversary of Glover Park Day, an annual community festival, organized by residents, which celebrates the diversity of the neighborhoods and close-knit community.

WHEREAS, the Glover Park Citizens' Association was founded in 1932 by residents of the Glover Park neighborhood with the mission of celebrating and recognizing the diversity of the community;

WHEREAS, in 1990, residents decided to celebrate the unique artists, food, and culture of their neighborhood and held the first Glover Park Day at 3701 Calvert Street, a neighborhood bank parking lot;

WHEREAS, in 1992, the event's popularity and growth required more space; therefore, since 1992, Glover Park Day has been held on the grounds of the Guy Mason Recreation Center;

WHEREAS, as the Guy Mason Recreation Center is a Department of Parks and Recreation facility, the agency has served as a co-sponsor, generously permitting Glover Park Day to use the grounds of Guy Mason Recreation Center to stage the event;

WHEREAS, the larger community venue accommodates more than 1,500 attendees each year and allows the festival to highlight a wide array of food from local Glover Park restaurants and showcase live music from 5 local bands;

WHEREAS, staging this event is a large task tackled by a small army of dedicated neighborhood volunteers along with the Glover Park Day Committee and the Glover Park Citizens Association, and residents of the neighborhood volunteer to chair the committee each year and committed community volunteers band together on the day of the event to create a unique community festival experience;

ENROLLED ORIGINAL

WHEREAS, the Glover Park Day has transformed itself from a “small town” celebration of neighborhood to an exuberant opportunity to share Glover Park's energy, spirit, and diversity with the whole city; and

WHEREAS, the Glover Park Day is celebrating its 25th anniversary in 2014.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Glover Park Day 25th Anniversary Recognition Resolution of 2014”.

Sec. 2. The Council of the District of Columbia recognizes and honors Glover Park Day for 25 years of celebrating community diversity and establishing a wonderful event that allows the rest of the city the opportunity to experience the spirit that is Glover Park.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-204

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 28, 2014

To posthumously recognize, honor, and celebrate the life and contributions of Minnie Green, a community activist, crusader, and tireless advocate for residents of the District of Columbia.

WHEREAS, Minnie Green was born June 28, 1926, to Minnie Leak and Brack McCray in a tiny hamlet in Rockingham, North Carolina;

WHEREAS, in 1939, at the age of 13, Minnie, her mother, 3 sisters, and cousins moved to the District of Columbia, riding in the back of a pick-up truck;

WHEREAS, Minnie graduated in 1944 from Francis L. Cardozo High School and went on to Atlantic Business College and graduated in 1948;

WHEREAS, Minnie was a devoted member and motivational speaker at Asbury United Methodist Church at 11th and K Streets, Northwest;

WHEREAS, Minnie was employed by the U.S. Department of Labor as a supervisor, retiring after 35 years of service;

WHEREAS, in 1962, during the Civil Rights Movement, Minnie and her co-workers picketed and pressured restaurant owners and federal officials to desegregate eateries in Silver Spring, Maryland;

WHEREAS, Minnie joined the Continental Societies, Inc. in 1983 and helped improve the socio-economic welfare of disadvantaged children;

WHEREAS, Minnie was determined to reduce crime in her community and launched the first Orange Hat neighborhood anti-crime patrol in Ward 4;

WHEREAS; Minnie proudly served as the first female Chairperson of the 4th District Citizens Advisory Council for 3 years and helped deter criminal activity throughout Ward 4;

ENROLLED ORIGINAL

WHEREAS, Minnie served for more than 20 years as a driver, chair, and board member for Meals on Wheels;

WHEREAS, Minnie opened her Petworth home to be used as transitional housing for those in need, and throughout her years of tireless community service and advocacy on behalf of the less fortunate, Minnie received numerous awards and commendations;

WHEREAS, Minnie has been an inspiration to many people and will be long remembered for her character, religious conviction, and devotion to people; and

WHEREAS, Minnie’s famous words were: “God has blessed me to help others; He talks to me daily, and has been so good to me.”

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Minnie Green Posthumous Recognition Resolution of 2014”.

Sec. 2. The Council of the District of Columbia commends and recognizes Minnie Green for her years of exemplary service to her community and undeterred commitment to helping others.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-205

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2014

To recognize and honor Gerard N. Murphy for his outstanding leadership in bringing economic and civic development, education, and entertainment to the Washington, D.C. area.

WHEREAS, Gerard N. Murphy is the third-generation president of the Washington Area New Automobile Dealers Association (“WANADA”);

WHEREAS, Gerard N. Murphy was named CEO of WANADA in 1983 and has since gained the respect and admiration of his colleagues and peers for his vision and skilled management;

WHEREAS, Gerard N. Murphy re-established The Washington Auto Show® and oversaw its growth as the largest public show in Washington, D.C.;

WHEREAS, Gerard N. Murphy further developed The Washington Auto Show into the “public policy show” on the auto show circuit, drawing domestic and foreign industry leaders to the nation’s capital;

WHEREAS, Gerard N. Murphy created an insurance agency to place and service coverage for Washington area dealers and their employees;

WHEREAS, Gerard N. Murphy created the Automobile Dealer Education Institute to stem the technician shortage crisis;

WHEREAS, Gerard N. Murphy has been a founding member and chaired the sober driving coalition known as the Washington Regional Alcohol Program (“WRAP”), which has been emulated in other major metropolitan areas across the U.S.;

WHEREAS, Gerard N. Murphy co-founded a unique dealership career program operating in several Washington, D.C. area public school systems, one of which has been recognized by the U.S. Secretary of Education;

ENROLLED ORIGINAL

WHEREAS, Gerard N. Murphy created a dealership technician training curriculum certified by the National Automotive Technician Education Foundation and operating in 2 community colleges in the Washington, D.C. area;

WHEREAS, Gerard N. Murphy has fostered economic growth in the Washington, D.C. area as immediate past chairman of both the Metropolitan Washington Better Business Bureau and the Small Business Legislative Council;

WHEREAS, Gerard N. Murphy serves as a member of the American Bar Association and the Bar Association of the District of Columbia;

WHEREAS, Gerard N. Murphy has shown a dedication to the Washington, D.C. community through his participation in Leadership Washington;

WHEREAS, Gerard N. Murphy has held numerous roles in association leadership, including chair of the Local State and Regional Association Executives' Council of the Automotive Trade Association Executives;

WHEREAS, Gerard N. Murphy has made community service a hallmark of his life, serving as chairman of both the Rotary Club of Washington and the Washington Rotary Foundation; and

WHEREAS, Gerard N. Murphy has earned recognition for his considerable charitable work, honored by the Muscular Dystrophy Association with its Heartsongs Award and by the Boys and Girls Club of America with its Silver Medallion Award.

IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that the Council of the District of Columbia proudly recognizes and honors Gerard N. Murphy for his outstanding leadership and commitment to the District of Columbia.

Sec. 2. This resolution may be cited as the "Gerry Murphy Recognition Resolution of 2014".

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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

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

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

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

Reprog. 20-242: Request to reprogram \$1,000,000 of Special Purpose Revenue Funds Budget Authority from the Department of Housing and Community Development to the Department of Insurance, Securities, and Banking (DISB) was filed in the Office of the Secretary on July 9, 2014. This reprogramming ensures that DISB is able to support contractual service needs.

RECEIVED: 14 day review begins July 10, 2014

Reprog. 20-243: Request to reprogram \$650,000 of Fiscal Year 2014 Local funds budget authority within the Department of General Services (DGS) was filed in the Office of the Secretary on July 11, 2014. This reprogramming ensures that DGS is able to complete several critical projects by the end of Fiscal Year 2014.

RECEIVED: 14 day review begins July 14, 2014

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

Posting Date: August 22, 2014
Petition Date: October 6, 2014
Hearing Date: October 20, 2014
Protest Hearing Date: December 17, 2014

License No.: ABRA-096296
Licensee: CMSA, LLC
Trade Name: Convivial
License Class: Retailer's Class "C" Restaurant
Address: 801 O Street, NW
Contact: Chrissie Chang 703-992-3994

WARD 6

ANC 6E

SMD 6E01

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for December 17, 2014 at 1:30 pm.

NATURE OF OPERATION

This is new restaurant with a sidewalk café and summer garden serving modern American cuisine for all ages. Entertainment includes taped background music and occasional DJ and/or live band once a month. Total # of seats is 170 and the occupancy Load is 170. Total # of summer garden seats is 54. Total # of sidewalk café seats is 10.

HOURS OF OPERATION/ SUMMER GARDEN/SIDEWALK CAFE

Sunday through Thursday 7:30 am – 2 am Friday through Saturday 7:30 am – 3 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION/SUMMER GARDEN/SIDEWALK CAFE

Sunday 9:30 am – 2 am Monday through Thursday 10 am- 2 am Friday 10 am-3 am Saturday 9:30 am -3 am

HOURS OF ENTERTAINMENT

Sunday through Saturday 6 pm – 1 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

8/22/2014

Notice is hereby given that:

License Number: ABRA-076413

License Class/Type: B Retail - Groce

Applicant: Myungjoon, Inc.

Trade Name: Los Primos

ANC: 1D04

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

3170 MT PLEASANT ST NW, Washington, DC 20010

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

10/6/2014

HEARING WILL BE HELD ON

10/20/2014

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 - 10 pm | 9 am -10 pm | - |
| Monday: | 8 am - 10 pm | 9 am - 10 pm | - |
| Tuesday: | 8 am - 10 pm | 9 am - 10 pm | - |
| Wednesday: | 8 am - 10 pm | 9 am - 10 pm | - |
| Thursday: | 8 am - 10 pm | 9 am - 10 pm | - |
| Friday: | 8 am - 10 pm | 9 am - 10 pm | - |
| Saturday: | 8 am - 10 pm | 9 am - 10 pm | - |

FOR FURTHER INFORMATION CALL (202) 442-4423

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

Posting Date: August 22, 2014
Petition Date: October 6, 2013
Hearing Date: October 20, 2013

License No.: ABRA-096192
Licensee: Mastro's Restaurants, LLC
Trade Name: Mastro's Steakhouse
License Class: Retailer's Class "C" Restaurant
Address: 600 13th Street, NW
Contact: Stephen O'Brien 202-625-7700

WARD 2

ANC 2C

SMD 2C01

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

Applicant requests an expansion of seats from 220 to 420 and entertainment endorsement to include dancing. Total occupancy load of 520.

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

Sunday through Thursday 11 am – 12 am and Friday & Saturday 11 am – 1 am

HOUR OF ENTERTAINMENT

Sunday through Thursday 11 am – 12 am and Friday & Saturday 11 am – 1 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 15, 2014
Petition Date: September 29, 2014
Roll Call Hearing Date: October 14, 2014
Protest Hearing Date: December 10, 2014

License No.: ABRA-096311
Licensee: Adam Morgan Hotel Operator LLC
Trade Name: The Line DC
License Class: Retailer’s Class “C” Hotel
Address: 1780 Columbia Rd., NW
Contact: Stephen J. O’Brien, Esq., 202-625-7700

WARD 1

ANC 1C

SMD 1C07

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 10, 2014.

NATURE OF OPERATION

New full-service hotel with two restaurants featuring meeting and event spaces, gym, spa and swimming pool. Dancing and live entertainment will be offered for booked events such as wedding receptions. Roof top summer garden seating 460 patrons. Hotel has approximately 220 rooms.

HOURS OF OPERATION

24 Hours

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION AND LIVE ENTERTAINMENT

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

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

Sunday through Thursday 8am-11pm, Friday and Saturday 8am-12am

OFFICE OF THE DEPUTY MAYOR FOR EDUCATION**NOTICE OF PUBLIC MEETINGS REGARDING
SURPLUS RESOLUTIONS PURSUANT TO D.C. OFFICIAL CODE 10-801**

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

Properties: PAR 02350075 – 3301 Wheeler Road, SE (“MC Terrell School Building”)

Date: September 15, 2014

Time: 6:30 p.m.

Location: MC Terrell School
3301 Wheeler Road, SE
Washington, DC 20032

Contact: Althea O. Holford
Office of the Deputy Mayor for Education
202.727.4036 or althea.holford@dc.gov

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, NOVEMBER 5, 2014
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

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

TIME: 9:30 A.M.

WARD ONE

18847 **Application of The Warrenton Group**, pursuant to 11 DCMR § 3103.2,
ANC-1A for variance from the off-street parking requirements under subsection
2101.1, to allow the construction of a new six-story mixed-use building
with retail and residential uses in the GA/C-3-A District at 3619 Georgia
Avenue, N.W. (Square 3032, Lot 803).

WARD THREE

18849 **Application of Peter C. Choharis**, pursuant to 11 DCMR § 3103.2, for a
ANC-3C variance from minimum lot dimensions under section 401, a variance from
the lot occupancy requirements under section 403, a variance from rear
yard requirement under section 404, a variance from the minimum
dimension for open courts under section 406, and a variance from the
nonconforming structure under subsection 2001.3, to allow for a rear deck
serving a flat in the R-4 District at premises 2771 Woodley Place, N.W.
(Square 2206, Lot 87).

WARD FOUR

18850 **Application of Parkmont School**, pursuant to 11 DCMR §§ 3104.1 and
ANC-4C 3103.2, for a special exception to allow a private school (65 students and
12 Staff) under section 206, and a variance from the off-street parking
provisions under subsection 2101.1, in the R-1-B District at 4842 16th
Street, N.W. (Square 2654, Lot 34).

WARD TWO

BZA PUBLIC HEARING NOTICE

NOVEMBER 5, 2014

PAGE NO. 2

18852 **Application of SB Urban LLC**, pursuant to 11 DCMR §§ 3104.1 and
ANC- 2F 3103.2, for variances from the court (section 776.3), lot occupancy
 (section 2604.2) and special exceptions from parking spaces for historic
 resources (section 2120.6) and roof structure provisions (section 411.11),
 to allow a new apartment community in the C-2-A District at premises 90
 Blagden Alley, N.W. (Square 368, Lot 165); and,

18853 **Application of SB Urban LLC**, pursuant to 11 DCMR §§ 3104.1 and
ANC-2F 3103.2, for variances from the side yard (section 775.5) and parking
 section 2101.1) and a special exceptions from roof structure provisions
 (section 411.11), to allow a new apartment community in the C-2-A
 District at premises 91 Blagden Alley, N.W. (Square 368, Lot 164).

WARD TWO

18851 **Appeal of James Hill, Amir Afkhami and Robert Uth**, pursuant to 11
ANC-2B DCMR §§ 3100 and 3101, from a July 3, 2014, decision by the
 Department of Consumer and Regulatory Affairs to allow the construction
 of a deck pursuant to Building permit No. B1409246, in the DC/R-4
 District at premises 1636 T Street, N.W. (Square 191, Lot 98).

PLEASE NOTE:

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

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

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

BZA PUBLIC HEARING NOTICE
NOVEMBER 5, 2014
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441 4th 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, 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: **Thursday, November 20, 2014, @ 6:30 p.m.**
 Jerrily R. Kress Memorial Hearing Room
 441 4th Street, N.W., Suite 220-S
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 12-15A – Gallaudet University (Amendment to Campus Plan and Further Processing)

THIS CASE IS OF INTEREST TO ANC 5D, 6A and 6C

Application of Gallaudet University, pursuant to 11 DCMR §§ 3104.1, 210, and 411.11, for special exception review and approval of an amendment to the Gallaudet University Campus Plan, approved March 7, 2013, and further processing of the Campus Plan in order to permit construction of a new dormitory for the Model Secondary School for the Deaf.

The boundaries of the Gallaudet University Campus Plan are, generally, Florida Avenue, N.E. to the south; West Virginia Avenue, N.E., to the east; Mt. Olivet Road, N.E. and Corcoran Street, N.E. to the north; and Brentwood Parkway and 5th and 6th Streets, N.E., to the west. The boundaries encompass approximately 95.5 acres within the D/R-4 and C-M-1 zoning districts.

PLEASE NOTE:

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

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

How to participate as a witness.

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

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 12-15A
PAGE 2

How to participate as a party.

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

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

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

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

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

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

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

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

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

**Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 12-15A
PAGE 3**

**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.**

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

TIME AND PLACE: **Thursday, November 13, 2014, @ 6:30 P.M.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, NW, Suite 220
Washington, DC 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 14-15 (1244 South Capitol Residential, LLC - Capitol Gateway Overlay District Review @ Square 700, Lots 37, 38, 39, 45, 46, and 803 and alley being closed)

THIS CASE IS OF INTEREST TO ANC 6D

On August 6, 2014, the Office of Zoning received an application from 1244 South Capitol Residential, LLC (the "Applicant") requesting review and approval of a new apartment building with ground floor and second floor retail uses pursuant to the requirements of the Capitol Gateway (CG) Overlay District set forth in 11 DCMR § 1610 of the Zoning Regulations. In addition, pursuant to 11 DCMR § 1610.7, the Applicant is seeking variance relief from the court requirements of the CR District established in 11 DCMR § 638.2 and special exception approval for a penthouse not meeting the roof structure setback requirements of 11 DCMR § 630.4(b).

The site includes approximately 29,626 square feet of land area. Square 700 is bounded by M Street on the north, Van Street on the east, N Street on the south, and South Capitol Street on the west in southeast Washington, D.C. The site is located within the CR District and within the CG Overlay.

The Applicant proposes to develop the site with a new 13-story apartment building with ground and second floor retail. Three levels of below-grade parking will be provided with access from Van Street, S.E. Overall building height will not exceed 130 feet, and total gross floor area will total approximately 271,160 square feet. Approximately 290 dwelling units are proposed for the building.

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

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

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-15
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Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusions in the record.

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

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

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

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

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

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

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

NOTICE OF FINAL RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in the Title 25, D.C. Code Enactment and Related Amendments Act of 2001, effective May 3, 2001 (D.C. Law 13-298; D.C. Official Code § 25-351(a) (2012 Repl.)), and Section 303 of Title 23 of the District of Columbia Municipal Regulations (DCMR), hereby gives notice of the adoption of final rules that replace the existing Section 306 (East Dupont Circle Moratorium Zone) of Chapter 3 (Limitations on Licenses) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking will impose a three (3) year moratorium on the issuance of any new Retailer Class CT/DT and CN/DN licenses issued in a portion of East Dupont Circle which shall be known as the East Dupont Circle Moratorium Zone (EDCMZ). The rules also lift the restrictions on the number of Retailer Class A, Class B, Class CR/DR, and Class CX/DX licenses; retain the current exemptions for hotels; retain the existing language pertaining to the transfer of ownership; retain the prohibition on the transfer of Retailer Class CT/DT or CN/DN from outside the moratorium zone to inside the moratorium zone; and retain the prohibition on the change of all Retailer Class CT/DT or CN/DN licenses.

By way of background, the existing moratorium expired on September 23, 2013. The Board voted on an emergency basis on September 18, 2013, by a vote of five (5) to zero (0) to keep the existing moratorium temporarily in place. The Board required additional time to consider two proposals submitted by community groups regarding the future of the EDCMZ.

On August 19, 2013, Advisory Neighborhood Commission (ANC) 2B filed a Resolution to Extend and Modify the East Dupont Circle Liquor Moratorium (Resolution). This Resolution was adopted by the ANC on August 14, 2013. The ANC Resolution resulted from a series of public meetings that were held by the ANC from May 2013 through August 2013, with the purpose of receiving public input from stakeholders and constituents in order to formulate a recommendation for the Board.

In summary, the ANC sought renewal of the existing EDCMZ for a three (3) year period with certain modifications. Those modifications included maintaining the cap on Retailer Class CT/DT and CN/DN; lifting the restrictions on the number of Retailer Class A, Class B, Class CR/DR, and Class CX/DX licenses; retaining the current exemptions for hotels; retaining the existing language pertaining to the transfer of ownership; retaining the prohibition on the transfer of Retailer Class CT/DT or CN/DN from outside the moratorium zone to inside the moratorium zone; and retaining the prohibition on the change of all Retailer Class CT/DT or CN/DN licenses.

The second proposal was submitted by the Dupont Circle Citizens Association (DCCA) on August 13, 2013. The DCCA requested a temporary one hundred twenty (120) day extension to

allow time for further research. Additionally, the DCCA sought to collect additional data it deemed relevant to the undertaking of this rulemaking; specifically the status of inactive licenses, and the analysis of the potential effects of all options. Furthermore, the DCCA desired to form a working group on retail and arrive at a collaborative agreement with other interested parties.

The Board believed that both proposals merited further evaluation and thus held a hearing on October 24, 2013, pursuant to D.C. Official Code § 25-354 (2012 Repl.), to receive public comment on the written proposals. At the public hearing, the Board heard testimony from Will Stephens, Chairperson of ANC 2B, in support of the ANC proposal, and from Robin Diener and Ramon Estrada, on behalf of the DCCA proposal. Ms. Diener is the Chair of the Regulatory Committee of the DCCA and Mr. Estrada is the President of DCCA.

Commissioner Stephens testified that his ANC held a series of listening sessions that were noticed and open to the public to receive comment on the existing moratorium. These sessions were constructive and well attended, and were held for the benefit of the affected 17th Street NW residents, as well as the businesses located in the broader neighborhood of Dupont Circle. A wide range of comments from those in attendance guided the ANC in shaping its proposal. Additionally, the ANC held another round of listening sessions following publication of the draft proposal. After the second round of listening sessions concluded, the proposal was considered by the full Commission at its August 2013 meeting. The ANC adopted the proposal as described above, when Commissioner Stephens broke a tie on the four (4) to four (4) vote. The four non-prevailing votes desired to lift the existing moratorium altogether.

Commissioner Stephens believes that a modification of the existing moratorium is the appropriate solution to incorporate the concerns of the community who desire to enliven the neighborhood, and those who fear that a complete lifting may result in unintended consequences. There is also a desire on the part of the ANC and the community to ensure that the neighborhood does not foreclose opportunities for liveable retail such as hardware stores, dry cleaners, and flower shops.

Commissioner Stephens further testified that the process used by the ANC to gather and discern community input is consistent with their past processes used in other moratoria hearings, to include the recently considered moratorium at 14th and U Streets NW.

Commissioner Stephens explained that the rationale for retaining the restrictions on CT/DT and CN/DN licenses is due to the issues of peace, order and quiet that remain an ongoing concern for the neighborhood. Thus, the cap on restaurants was lifted to allow for continued growth of a vibrant and active neighborhood, without risking public safety that sometimes accompanies taverns and nightclubs.

Commissioner Stephens testified that the ANC made no recommendations with respect to amending 23 DCMR § 307.9 regarding the limitations on expansion of service or sale of alcoholic beverages into any adjoining or adjacent space, property, or lot.

Ms. Diener, on behalf of the DCCA, testified that her organization sought a more robust report from the ANC, specifically regarding the preservation of neighborhood retail businesses. She doesn't believe that enough data was provided in the ANC report to guide the Board in its decision-making. Ms. Diener submitted that further study is necessary to examine this particular issue in greater detail, and that an additional one hundred and twenty (120) days would allow all concerned parties to address this issue. She testified that the DCCA was prepared to assist the ANC in this undertaking, but was not invited to contribute when the proposal was initially drafted. She also stated that she was unaware that the business community had provided input on the ANC's proposal.

The DCCA has requested additional time to work with the ANC, Main Streets and local businesses, in order to develop a more comprehensive report for the Board's consideration. Ms. Diener further testified that merely lifting the cap on restaurants does not guarantee that the community will receive the kind of restaurants that are appropriate for that neighborhood. She stated that the churn in ABC-licensed establishments sought by some residents is a sign of businesses failing, and that the Dupont Circle neighborhood is currently enjoying a stable environment due to the success of the businesses located there.

Mr. Estrada testified that part of the study proposed by the DCCA would include interviewing property brokers, landlords and surrounding businesses. He further stated that these broader interviews were originally the objective of the ANC, but that it was never accomplished. The DCCA would like to explore all options to understand whether a more measured relaxation of the moratorium isn't more appropriate than the lifting of the cap on the licenses of an entire retailer's class.

The Board took the views of ANC 2B and DCCA into consideration and determined that the ANC proposal to continue the moratorium while allowing for modifications to lift certain restrictions constitutes a reasonable, measured, and appropriate solution for the Dupont Circle neighborhood.

In reaching its decision, the Board gave great weight to the written recommendations of ANC 2B as required by Section 13(d)(3) of the Advisory Neighborhood Councils Act of 1975, effective October 10, 1975 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(3) (2012 Repl.), and D.C. Official Code § 25-609 (2012 Repl.).

Specifically, the Board agrees with the testimony provided by ANC 2B to: (1) renew the existing EDCMZ for a three (3) year period; (2) maintain the cap on Retailer Class CT/DT and CN/DN; (3) lift the restrictions on the number of Retailer Class A, Class B, Class CR/DR and Class CX/DX licenses; (4) retain the current exemptions for hotels; (5) retain the existing language pertaining to the transfer of ownership; (6) retain the prohibition on the transfer of Retailer Class CT/DT or CN/DN from outside the moratorium zone to inside the moratorium zone; and (7) retain the prohibition on the change of all Retailer Class CT/DT or CN/DN licenses.

Additionally, notwithstanding the absence of a recommendation from the ANC, the Board will further modify the existing moratorium by lifting the limitations on the expansion of service or

sale of alcoholic beverages into any adjoining or adjacent space, property, or lot. In doing so, the Board cautions licensees who seek a lateral expansion to do so with an understanding that Dupont Circle is a historic neighborhood and as such, the Board will give great scrutiny to any request that profoundly changes the nature and character of the neighborhood.

Pursuant to § 25-351, the Board determined that it was in the public interest to renew the moratorium with certain modifications, and in doing so, the Board based its decision upon the appropriateness standards set forth in D.C. Official Code §§ 25-313 and 25-314 (2012 Repl.). Specifically, under D.C. Official Code § 25-313(b), the testimony presented at the hearing as well as the written proposal with regard to peace, order, and quiet, justified the need for the renewal of the moratorium zone with a relaxation of some of the current restrictions.

The statements set forth above reflect the written reasons for the Board's decision as required by 23 DCMR § 303.1.

The text of the final rules is identical to the text of the notice published in the *D.C. Register* on January 31, 2014, at 61 DCR 000861. Pursuant to D.C. Official Code § 25-211(b)(2) (2012 Repl.), the proposed rules were transmitted to the Council of the District of Columbia (Council), for a ninety (90) day period of Council on May 30, 2014. The proposed rules were approved by Council Resolution 20-534, the "East Dupont Circle Moratorium Zone Approval Resolution of 2014", adopted by the Council at its July 14, 2014, legislative meeting. These final rules were adopted by the Board on July 23, 2014, on a vote of five (5) to zero (0), and they will become effective five (5) days after publication in the *D.C. Register*.

Section 306, EAST DUPONT CIRCLE MORATORIUM ZONE, of Chapter 3, LIMITATIONS ON LICENSES, of Title 23, ALCOHOLIC BEVERAGES, of the DCMR, is amended to read as follows:

306 EAST DUPONT CIRCLE MORATORIUM ZONE.

- 306.1 A limit shall exist on the number of Retailer's licenses issued in the area that extends approximately six hundred (600) feet in all directions from the intersection of 17th and Q Streets, N.W., Washington, D.C., as follows: Class CT or Class DT – Two and (2); Class CN or DN – Zero (0). This area shall be known as the East Dupont Circle Moratorium Zone.
- 306.2 The East Dupont Circle Moratorium Zone is more specifically described as the area bounded by a line beginning at New Hampshire Avenue and S Street, N.W.; continuing east on S Street, N.W., to 17th Street, N.W.; continuing south on 17th Street, N.W., to Riggs Place, N.W.; continuing east on Riggs Place, N.W., to 16th Street, N.W.; continuing south on 16th Street, N.W., to P Street, N.W.; continuing west on P Street, N.W., to 18th Street, N.W.; continuing north on 18th Street, N.W., to New Hampshire Avenue, N.W.; and continuing northeast on New Hampshire Avenue, N.W. to S Street, N.W.

- 306.3 All hotels, whether present or future, shall be exempt from the East Dupont Circle Moratorium Zone.
- 306.4 Nothing in this section shall prohibit the Board from approving the transfer of ownership of a CT or DT located within the East Dupont Circle Moratorium Zone, subject to the requirements of the Act and this title.
- 306.5 Nothing in this section shall prohibit the Board from approving the transfer of a license from a location within the East Dupont Circle Moratorium Zone to a new location within the East Dupont Circle Moratorium Zone.
- 306.6 A license holder outside the East Dupont Circle Moratorium Zone shall not be permitted to transfer its license to a location within the East Dupont Circle Moratorium Zone unless the transfer will not exceed the number of licenses permitted in the East Dupont Circle Moratorium Zone for that particular class or type, as set forth in Section 306.1.
- 306.7 Subject to the limitation set forth in Section 306.8, nothing in this section shall prohibit the filing of a license application or a valid protest of any transfer or change of license class.
- 306.8 No licensee in the East Dupont Circle Moratorium Zone shall be permitted to request a change of license class to CT, DT, CN, or DN.
- 306.9 This section shall expire three (3) years after the date of publication of the notice of final rulemaking.

DEPARTMENT ON DISABILITY SERVICES

NOTICE OF FINAL RULEMAKING

The Director of the Department on Disability Services (DDS), pursuant to the authority set forth in Section 109 of the Department on Disability Services Establishment Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.09 (2012 Repl.)), and Mayor's Order 2007-68, dated March 20, 2007, hereby gives notice of adoption of amendments to Chapter 2 (Blind Vendors Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These final rules apply solely to the District of Columbia's Randolph-Sheppard Vending Facilities Program (DC-RSVFP), which is administered by the Department on Disability Services, Rehabilitation Services Administration (DDS/RSA).

These final rules are necessary for the following reasons: (1) to clarify program eligibility requirements; (2) to clarify due process procedures, which are outdated because administrative hearings are now conducted by the Office of Administrative Hearings, not by Hearing Examiners hired by DDS/RSA; (3) to clarify that due process procedures apply to program participants only, and to refer program applicants and trainees to 29 DCMR § 1 *et seq.*, the Rehabilitation Services Administration regulations, which governs appeal rights for these individuals; (4) to amend provisions regarding circumstances under which the state licensing agency, DDS/RSA, is required and permitted to terminate participants from the program; (5) to clarify the language in the regulations so that references to the state licensing agency are consistent, as the current regulations refer to "the agency" and "the department" interchangeably; (6) to clarify that administrative support for the program may be provided by either a nominee organization or the state licensing agency; and (7) to eliminate existing requirements regarding set asides, promotions, and transfers, and to provide that policies regarding these requirements shall be established by the state licensing agency with the active participation of the Blind Vendors Committee.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on May 23, 2014 at 61 DCR 005282. DDS did not receive any comments from the public concerning the emergency and proposed rules during the thirty (30) day comment period, which expired on June 22, 2014, and no substantive changes were made. The Director adopted these rules as final on August 8, 2014, and they shall become effective upon publication of this notice in the *D.C. Register*.

Chapter 2, BLIND VENDORS PROGRAM, of Title 29, PUBLIC WELFARE, of the DCMR, is amended as follows:

200 ISSUANCE OF LICENSES

Subsection 200.1 is amended by adding Paragraphs (c), (d), and (e), and to read as follows:

- 200.1 Licenses to operate vending facilities within the Blind Vendors Program (also referred to in this chapter as the “Program” or the Randolph-Sheppard Vending Facilities Program (“RSVFP”)) shall be issued only to blind persons who meet the following criteria:
- (a) Reside in the District at the time of licensing;
 - (b) Are United States citizens;
 - (c) Meet the definition of a blind person in accordance with Section 299 of this Chapter;
 - (d) Successfully complete the Program’s training requirements pursuant to Section 210 of this chapter; and
 - (e) Obtain a local DC metropolitan police and Federal Bureau of Investigation clearance.

201 TERMINATION OF LICENSES

Subsection 201.1 is amended to read as follows:

- 201.1 Licenses shall be issued for an indefinite period, but shall be subject to suspension or termination in the following circumstances:
- (a) Improvement of vision so that the vendor no longer meets the definition of blindness set forth in § 299; or
 - (b) After affording the vendor an opportunity for a full evidentiary hearing, the licensing agency finds that the vending facility is not being operated in accordance with its rules or regulations, the terms and conditions of the permit, or the terms and conditions of the written agreement with the vendor.

Subsection 201.2 is amended by deleting Paragraph (a), adding Paragraph (c), and renumbering Paragraphs (b) and (c) as Paragraphs (a) and (b), to read as follows:

- 201.2 Any license granted to an individual for the operation of a vending facility may be suspended or terminated for any of the following reasons:
- (a) Extended illness with medically documented diagnosis of prolonged incapacity of the vendor to operate the vending facility in a manner consistent with the needs of location or other available locations in the Program;

- (b) Withdrawal of the vendor from the Program upon his or her written notification to the licensing agency; or
- (c) Failure to obtain or loss of U.S. Department of Homeland Security clearance.

202 VENDING FACILITY EQUIPMENT AND INITIAL STOCK

Subsection 202.2 is amended to read as follows:

202.2 The right and title to, and interest in, the equipment and the stock of each vending facility shall be vested in the state licensing agency, or in the nominee for Program purposes, and shall be subject to the paramount right of the licensing agency to direct and control the use, transfer, and disposition of the vending facilities or stock.

203 SETTING ASIDE OF FUNDS

Subsection 203.2 is amended to read as follows:

203.2 The licensing agency may enter into a servicing agreement with a nominee organization for overall managerial services.

Subsection 203.3 is amended to read as follows:

203.3 If the licensing agency enters into a servicing agreement with a nominee organization, the budget for the nominee organization shall be funded completely by funds set aside from the net proceeds from the operation of vending facilities.

Subsection 203.5 is amended to read as follows:

203.5 The licensing agency shall establish in writing the extent to which funds are to be set aside from the net proceeds of the operation of vending facilities and from vending income under 34 C.F.R. § 395.8(c), in an amount determined by the Secretary of Education to be reasonable.

Subsection 203.6 is amended by adding Paragraph (e), to read as follows:

203.6 Set-aside funds shall be spent only for the following purposes:

- (a) Maintenance and replacement of equipment;
- (b) Purchase of new equipment;
- (c) Management services; and

- (d) Guarantee of a fair minimum return.
- (e) The establishment and maintenance of retirement or pension funds, health insurance contributions, and provision for paid sick leave and vacation time, if it is so determined by a majority vote of blind vendors licensed by the licensing agency, after such agency provides to each such vendor information on all matters relevant to such proposed purposes.

Subsection 203.7 is amended to read as follows:

203.7 The licensing agency shall set out the method of determining the charge for each of the purposes listed in subsection 203.6 of this section, which will be determined with the active participation of the Blind Vendors Committee and which will be designed to prevent, so far as is practicable, a greater charge for any purpose than is reasonably required for that purpose. The licensing agency shall maintain adequate records to support the reasonableness of the charges for each of the purposes listed in this section, including any reserves necessary to assure that such purposes can be achieved on a consistent basis.

Subsection 203.8 is repealed.

203.8 [Repealed]

Subsection 203.10 is repealed.

203.10 [Repealed]

204 INCOME FROM VENDING FACILITIES ON FEDERAL PROPERTY

Subsection 204.1 is amended to read as follows:

204.1 Income from vending machines on federal property which has been disbursed to the licensing agency by a property managing department, agency, or instrumentality of the United States under the vending facility provisions in 34 C.F.R. § 395.8 shall accrue to each blind vendor operating a vending facility on that federal property in an amount not to exceed the average net income of the total number of blind vendors within the District, as determined each fiscal year on the basis of each prior year’s operation, except as provided in § 204.2.

Subsection 204.6 is amended to read as follows:

204.6 The Licensing Agency shall promptly disburse vending machine income to blind vendors upon receipt, on at least a quarterly basis.

Subsection 204.7 is amended to read as follows:

204.7 Unassigned vending machine income retained by the licensing agency shall be used for the establishment and maintenance of retirement or pension plans, for health insurance contributions, and for the provision of paid sick leave and vacation time for blind vendors, if it is so determined by a majority vote of licensed vendors, after each has been furnished information on all matters relevant to these purposes.

207 PROMOTION AND TRANSFER OF VENDORS

Subsection 207.1 is amended to read as follows:

207.1 The licensing agency, with the active participation of the Blind Vendors Committee, shall establish a promotion and transfer system for vendors that shall be uniformly applied to all vacancies which develop or occur in the Program, or are created when satellite facilities are called down for new vendors admitted to the Program.

Subsection 207.2 is amended to read as follows:

207.2 Eligibility for promotion and transfer or placement of new vendors within the Program shall be governed by a point system which determines the ranking of all licensed vendors.

Subsection 207.3 is amended to read as follows:

207.3 For promotion and transfer, rating points shall be awarded on the basis of seniority and performance. For placement of new vendors, rating points shall be awarded on the basis of scores in training and performance during on-the-job training.

Subsection 207.4 is amended to read as follows:

207.4 When a vending facility vacancy occurs, all vendors shall be notified of the availability of the facility and offered the opportunity to transfer. Decisions regarding transfer shall be made based on the semi-annual ratings list developed by this Committee. When satellite facilities are called down for placement of new vendors, only newly assigned vendors will be eligible for placement in the facilities.

Subsection 207.6 is amended to read as follows:

207.6 Vendors may be denied the opportunity to transfer, on a temporary basis, if the vendor has been placed on a corrective action plan due to performance problems in managing the facility. The right to transfer shall be reinstated when the vendor successfully completes the corrective action plan.

Subsection 207.9 is amended to read as follows:

- 207.9 If a former licensee returns to the Program within two years of resignation from the Program, the seniority points earned during the prior tenure shall be reinstated, unless the Promotion and Transfer Committee referenced in § 208 votes unanimously to deny the reinstatement.

Subsection 207.10 is amended to read as follows:

- 207.10 The licensing agency, with the active participation of the Committee of Blind Vendors, shall establish the system for awarding seniority points. This system shall allocate the number of points awarded per year of service and the maximum number of points a vendor may receive. It shall also address whether and how seniority points are awarded to vendors who return to the program after two years, and whether and how seniority points are awarded to out of state transfers wishing to enter the DC program.

Subsections 207.11 -207.13 are amended to read as follows:

- 207.11 The licensing agency, with the active participation of the Committee of Blind Vendors, shall develop a system for semi-annual evaluation of performance. This performance system shall, at minimum, evaluate all vendors on their performance in the following areas:
- (a) Supervision of personnel;
 - (b) Knowledge of business;
 - (c) Ability to serve;
 - (d) Care and utilization of equipment;
 - (e) Recordkeeping;
 - (f) Sanitation;
 - (g) Customer relations; and
 - (h) Adherence to rules and regulations.
- 207.12 Performance ratings shall be judged on the manner in which vendors apply themselves to the various phases of vending facility operation and the degree to which they meet the requirements and standards of the Program.
- 207.13 Performance shall be determined by a semi-annual evaluation of all vendors conducted by the Promotion and Transfer Committee, based upon reports of

supervisory personnel of the licensing agency or nominee organization and other pertinent reports including documented complaints.

208 PROMOTION AND TRANSFER COMMITTEE

Subsection 208.1 is amended to read as follows:

208.1 A Promotion and Transfer Committee (“the Committee”) shall act on behalf of the licensing agency for the purpose of applying the provisions of § 207 related to awarding of rating points and decisions regarding promotions and transfers.

Subsection 208.2 is amended to read as follows:

- 208.2 The Committee shall be composed of five representatives selected as follows:
- (a) The Blind Vendors Committee shall select three individuals;
 - (b) The Blind Vendors Committee and licensing agency shall jointly select one individual from the community; and
 - (c) The licensing agency shall select one individual.

Subsection 208.5 is amended to read as follows:

208.5 The Committee shall also meet as often as is necessary to ensure full consideration of every proposed promotion or transfer.

Subsection 208.7 is amended to read as follows:

208.7 The decisions of the Promotion and Transfer Committee in regard to ratings shall be considered final, unless appealed to the Blind Vendors Committee and licensing agency. Any decision of the Promotion and Transfer Committee may only be overturned by a majority vote of the Blind Vendors Committee and the agreement of the licensing agency.

210 TRAINING PROGRAM

Subsection 210.1 is amended to read as follows:

210.1 The licensing agency, with the active participation of the Blind Vendors Committee, shall establish training and retraining programs.

Subsection 210.3 is amended to read as follows:

210.3 Following the acceptance of prospective blind vendors by the licensing agency, training in vending facility management shall be provided by the licensing agency or contractor approved by the SLA to implement the training program.

211 BLIND VENDORS COMMITTEE

Subsection 211.1 is amended to read as follows:

211.1 The Blind Vendors Committee, as established under Mayor’s Order 77-131, dated August 8, 1977, as amended by Mayor’s Order 78-22, dated January 22, 1978, consistent with 34 C.F.R. § 395.14, shall have the following functions:

- (a) Actively participate with the licensing agency in major administrative decisions and policy and program development decisions affecting the overall administration of the Program;
- (b) Receive and transmit to the licensing agency grievances at the request of blind vendors and serve as advocates for vendors in connection with grievances;
- (c) Actively participate with the licensing agency in the development and administration of a program system for the transfer and promotion of blind vendors;
- (d) Actively participate with the licensing agency in the development of training and retraining programs for blind vendors; and
- (e) Sponsor, with the assistance of the licensing agency, meetings and instructional conferences for blind vendors within the Program.

212 BLIND VENDORS COMMITTEE: MEMBERS AND ELECTIONS

Subsection 212.1 is amended to read as follows:

212.1 The licensing agency shall provide for the biennial election of a Blind Vendors Committee, which shall be fully representative of all blind vendors in the District program.

213 BLIND VENDORS COMMITTEE: ORGANIZATION AND FUNCTIONS

Subsection 213.1 is amended to read as follows:

213.1 The Blind Vendors Committee shall be organized to include a chairperson, a vice-chairperson, a treasurer, and a secretary.

Subsection 213.2 is amended to read as follows:

213.2 The Committee shall meet regularly with representatives of the licensing agency, and shall operate as a whole and through subcommittees.

Subsection 213.5 is amended to read as follows:

213.5 The Committee and the licensing agency shall meet at least once a month.

214 BLIND VENDORS COMMITTEE: MEETINGS

Subsections 214.1 – 214.5 are amended to read as follows:

214.1 The licensing agency shall provide written notices to all committee members at least one (1) week prior to each regular meeting.

214.2 The notice shall contain the time and place of the meeting and a list of topics planned by the licensing agency for discussion.

214.3 Between regular meetings, written notice shall be given to subcommittee members, or other individuals, of important discussions and decisions making meetings in areas of the subcommittees’ interest.

214.4 The Committee shall have the opportunity to initiate matters for consideration by them and the licensing agency in order to make meaningful contributions to the Program, with the Committee's views and positions taken into careful and serious account by the licensing agency.

214.5 The licensing agency shall have the ultimate responsibility for the administration of the Program. If the licensing agency does not adopt the views and positions of the Committee, the licensing agency shall notify the Committee, in writing, of the decision reached or the action taken and the reasons for the decision or action.

Section 215, HEARINGS, is repealed.

215 [REPEALED]

216 ACCESS TO PROGRAM AND FINANCIAL INFORMATION

Subsection 216.1 is amended to read as follows:

216.1 Each vendor shall be provided access to all program and financial data of the licensing agency relevant to the operation of the Program, including quarterly and annual financial reports, if that disclosure does not violate applicable federal or District laws pertaining to the disclosure of confidential information.

Subsection 216.2 is amended to read as follows:

216.2 Insofar as practicable, data shall be made available in braille or recorded tape and, at the request of the vendor, the licensing agency shall arrange a convenient time to assist in the interpretation of data.

217 EXPLANATION TO VENDOR OF RIGHTS AND RESPONSIBILITIES

Subsection 217.1 is amended to read as follows:

217.1 The licensing agency shall furnish to each vendor copies of documents relating to the operation of the Program, including the rules and regulations which contain written descriptions of the arrangements for providing services, program policies and procedures and due process rights of vendors, the vendors' agreement, and the permit covering the operation of any facility to which the vendor shall be assigned.

Section 218 is renamed as follows:

218 DUE PROCESS SCOPE AND PROCEDURES FOR BLIND VENDORS, PROGRAM APPLICANTS AND RSVFP TRAINEES

Subsections 218.1 – 218.3 are amended to read as follows:

218.1 The purpose of these regulations is to establish procedures pursuant to 34 C.F.R. § 395.13, which provides vendors the opportunity to resolve disagreements when they are dissatisfied with any licensing agency action arising from the operation or administration of the Program.

218.2

- (a) An applicant to the RSVFP, or a trainee in the Program who is dissatisfied with any determination that affects the provision of vocational rehabilitation services, may pursue any of the remedies available to him or her pursuant to 34 C.F.R. § 361.57. Applicants and trainees are DDS/RSA clients and, as such, they are entitled to all due process rights outlined in 29 D.C.M.R. §§ 135 *et seq.*
- (b) A vendor who is dissatisfied with any licensing agency action arising from the operation or administration of the Program may pursue any of the following options:
 - (1) Informal administrative review meeting with the Chief of the Division of Services for the Blind (DSB);
 - (2) [Repealed];

(3) Impartial due process hearing before the D.C. Office of Administrative Hearings (“OAH”);

(c) A vendor aggrieved by an Order issued by OAH, may appeal this Order either to the D.C. Court of Appeals, pursuant to D.C. Official Code § 2-1831.16(c)-(e), or to the United States Secretary of Education, pursuant to 34 C.F.R. § 395.13.

218.3 A dispute regarding a licensing agency action may be resolved at any level within the appeals process. The appeals process is initiated when a vendor requests an informal administrative review meeting. However, a vendor is not precluded from beginning his or her appeal by requesting an impartial due process hearing as a means of challenging a licensing agency action arising from the operation or administration of the RSVFP.

Section 219 is renamed as follows:

219 NOTICE TO BLIND VENDORS OF DUE PROCESS REMEDIES

Subsection 219.1 is repealed.

219.1 [Repealed.]

Subsection 219.2 is amended to read as follows:

219.2 Each vendor shall receive written notification of his or her due process remedies at the time of licensure.

220 INFORMAL ADMINISTRATIVE REVIEW MEETING

Subsection 220.1 is amended to read as follows:

220.1 An informal administrative review meeting is a non-binding and non-adversarial informal dispute resolution process. The informal administrative review meeting process provides a vendor an opportunity to meet with the Chief of the Division of Services for the Blind (DSB) in an effort to expeditiously resolve a complaint he or she may have about a licensing agency action arising from the operation or administration of the RSVFP. The informal administrative review meeting may involve fact gathering, interviews and negotiation. The informal administrative review meeting is optional and voluntary, and will not deny or delay a vendor an impartial due process hearing, provided pursuant to by 34 C.F.R. § 395.13.

221 REQUEST FOR INFORMAL ADMINISTRATIVE REVIEW MEETING/ NOTICE TIMELINESS

Subsection 221.1 is amended to read as follows:

221.1 A request for an informal administrative review meeting must be submitted in writing, within ten (10) business days, of the licensing agency action with which the blind vendor is dissatisfied. The time limits in this section may be extended by the Chief of the Office of Quality Assurance and Federal Compliance (“OQ AFC”) when good cause is shown by one party or at the request of both parties. This request must be addressed to:

Office of Quality Assurance and Federal Compliance
Attention: Chief
Department on Disability Services, Rehabilitation Services Administration
1125 15th Street, NW, 9th Floor
Washington, D.C. 20005
(202) 442-8670 (Voice or Relay)

Subsection 221.2, Paragraph (b) is amended to read as follows:

221.2 Within five (5) business days after the request is received, the Chief of OQ AFC will do the following:

- (a) Forward the request to the Chief of the Division of Services for the Blind (DSB); and
- (b) Send a written notification to the vendor stating the date, time and location of the informal administrative review meeting. Notification shall be in an Americans with Disabilities Act (ADA) compliant format, including:
 - (1) In the medium of the applicant or consumer’s choice, including large print, Braille, tape, disk; and
 - (2) Provided via e-mail and/or U.S. Priority Mail with Delivery Confirmation requested.

222 INFORMAL ADMINISTRATIVE REVIEW MEETING PROCESS

Subsection 222.1, Paragraph (a) is amended to read as follows:

222.1

- (a) Within five (5) business days of receiving the request from the Chief of OQ AFC, the DSB Chief will personally meet with the vendor and his or her authorized representative, unless such meeting is inconvenient for both parties and both parties record this inconvenience in writing. If both parties are unable to meet in person, they will participate in a telephonic conference not later than five (5) business days after receipt of the request from the Chief of OQ AFC; and

Subsection 222.2 is amended to read as follows:

- 222.2 (a) If the vendor or his or her authorized representative and the DSB Chief successfully resolve the issue(s) addressed during the informal administrative review meeting, the Chief of OQAFc will place a written note in the vendor’s file noting that the licensing agency staff will implement the agreed upon resolution within ten (10) business days, absent any unforeseen circumstances outside of the licensing agency staff’s immediate control;
- (b) If the vendor or his or her authorized representative and the DSB Chief are unable to resolve the issue(s) addressed during the informal administrative review meeting, the Chief of OQAFc shall notify the vendor in writing of his/her right to request an impartial due process hearing, in accordance with 34 C.F.R. § 395.13, within five (5) business days of receiving notification of the outcome from the DSB Chief; and
- (c) Notification shall be in an Americans with Disabilities Act (ADA) compliant format, including:
 - (1) In the medium of the applicant or consumer’s choice, including large print, Braille, tape, disk; and
 - (2) Provided via e-mail and/or U.S. Mail.

Section 223, MEDIATION PROCESS FOR BLIND VENDORS AND RSVFP TRAINEES RECEIVING VOCATIONAL REHABILITATION SERVICES, is repealed.

223 [REPEALED]

Section 224, RIGHT TO MEDIATIO, is repealed.

224 [REPEALED]

Section 225, REQUEST FOR MEDIATION / TIMELINESS/SCHEDULING, is repealed.

225 [REPEALED]

Section 226, DECISION OF THE ADMINISTRATIVE REVIEW PANEL, is repealed.

226 [REPEALED]

Section 228, RIGHT TO A HEARING, is repealed.

228 [REPEALED]

229 NOTICE OF RIGHT TO HEARING

Subsection 229.1 is amended to read as follows:

- 229.1 Each licensee shall be informed, both orally and in writing, at the time of licensure of the following:
 - (a) The right to request a full evidentiary hearing before OAH;
 - (b) The method by which a hearing may be obtained, as provided in § 232 of these rules;
 - (c) The right to be represented by legal counsel, relative, friend, or other spokesperson, at the licensee’s own expense; and
 - (d) The right to a qualified interpreter, if a party or a party’s witness is deaf or, because of a hearing impairment, cannot readily understand or communicate the English language.

Section 230, FILING OF DOCUMENTS, is repealed.

230 [REPEALED]

Section 231, RESPONSE TO MOTIONS, is repealed.

231 [REPEALED]

232 REQUEST FOR HEARING; TIMELINESS

Subsection 232.1 is amended to read as follows:

232.1 Each request for a hearing shall be submitted in writing to OAH.

Subsection 232.2 is amended to read as follows:

232.2 The written request for a hearing shall be submitted personally or by U.S. mail.

Subsection 232.4 is amended to read as follows:

232.4 Each complainant shall request a full evidentiary hearing within fifteen (15) business days after an adverse decision based on an administrative review or, in the absence of an administrative review, within fifteen (15) business days of the occurrence of the action upon which the complaint is based.

Section 233, NOTICE OF DOCKETING OF PREHEARING CONFERENCE AND HEARING ADMINISTRATION'S DETERMINATION, ORDER, OR ANSWER, is repealed.

233 [REPEALED]

Section 234, PLACE FOR HEARING; READER SERVICES, is repealed.

234 [REPEALED]

Section 235, NOTICE OF HEARING AND OF HEARING PROCEDURES AND ISSUES, is repealed.

235 [REPEALED]

Section 236, PREHEARING CONFERENCE, is repealed.

236 [REPEALED]

Section 237, CONDUCT OF HEARINGS, is repealed.

237 [REPEALED]

Section 238, DUTIES AND POWERS OF THE HEARING EXAMINER, is repealed.

238 [REPEALED]

Section 239, STANDARD OF PROOF, is repealed.

239 [REPEALED]

Section 240, TRANSCRIPT, is repealed.

240 [REPEALED]

Section 241, DECISION OF THE HEARING EXAMINER, is repealed.

241 [REPEALED]

Section 242, FINAL DECISION, is repealed.

242 [REPEALED]

Section 243, RIGHT TO APPEAL, is repealed.

243 [REPEALED]

Section 245, EXTENSION OF TIME, is repealed.

245 [REPEALED]

Section 246, CONTINUANCES, is repealed.

246 [REPEALED]

Section 247, CONSOLIDATION, is repealed.

247 [REPEALED]

Section 248, SEVERANCE, is repealed.

248 [REPEALED]

Section 249, INTERVENTION, is repealed.

249 [REPEALED]

Section 251, SETTLEMENT, is repealed.

251 [REPEALED]

Section 252, EX PARTE COMMUNICATION, is repealed.

252 [REPEALED]

299 DEFINITIONS

Subsection 299.1 is amended to read as follows:

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

Act – The Randolph-Sheppard Act, as amended (Pub. L. 74-732; 20 U.S.C. §§ 107-107f).

Administration – the District of Columbia Department on Disability Services, Rehabilitation Services Administration (DDS/RSA). The Rehabilitation Services Administration has been designated as the State Licensing Agency (SLA) for the District of Columbia, responsible for administering the Randolph-Sheppard Vending Facilities Program (RSVFP).

Auxiliary aids and services includes—

- (1) Qualified interpreters, notetakers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
- (2) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;
- (3) Acquisition or modification of equipment or devices; and
- (4) Other similar services and actions.

Blind licensee - a blind person licensed by the licensing agency to operate a vending facility on federal or other property.

Blind person - a person who after examination by a physician skilled in diseases of the eye or by an optometrist, whichever that person selects, has been determined to have either of the following conditions:

- (a) Not more than 20/200 central visual acuity in the better eye with correcting lenses; or
- (b) An equally disabling loss of the visual field as evidenced by a limitation to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than twenty degrees (20°).

Call Down – the process for making vacant vending facilities officially available to RSVFP vendors.

Department – the District of Columbia Department on Disability Services (DDS).

Director – the Director of the District of Columbia Department on Disability Services or the Director's designee.

Division of Services for the Blind - a division within the Department on Disability Services, Rehabilitation Services Administration, which provides vocational rehabilitation and entrepreneurial services to blind and sight-impaired individuals.

Due Process Remedies – the collective name for the rights/procedures outlined in Chapter 2 of this title.

Informal administrative review meeting is an optional first step informal nonbinding, non-adversarial process that the Department on Disability Services/Rehabilitation Services Administration offers to individuals to resolve disputes about a licensing agency action arising from the operation or administration of the RSVFP. The vendor or RSVFP trainee meets with the Chief of DSB to attempt resolution through interviews, negotiation, and document review.

License - a written instruction issued by the licensing agency to a blind person, authorizing that person to operate a vending facility on federal or other property.

Licensing Agency - the agency designated by the Mayor under this part to issue licenses to blind persons for the operation of vending facilities on federal and other property.

Management services - supervision, inspection, quality control, consultation, accounting, regulating, in-service training, and other related services provided on a systematic basis to support and improve vending facilities operated by blind vendors. It does not include those services or costs which pertain to the on-going operation of an individual facility after the initial establishment period.

Net proceeds - the amount remaining from the sale of articles or services of vending facilities, and any vending machine or other income accruing to blind vendors after deducting the cost of the sale and other expenses (excluding set-aside charges required to be paid by blind vendors).

Nominee - a nonprofit agency or organization designated by the licensing agency through a written agreement to act as its agent in the provision of services to blind licensees under the RSVFP.

Nominee agreement or **servicing agreement** - a written agreement that the licensing agency may enter into by which another agency or organization undertakes to furnish services to blind vendors, containing provisions that:

- (a) Clearly ensure the retention by the licensing agency of full responsibility for the administration and operation of all phases of the Program;
- (b) Provide that no set-aside charges will be collected from blind vendors except as specified in the agreement;
- (c) Specify that no nominee will be allowed to exercise any function with respect to funds for the purchase of new equipment or for

ensuring a fair minimum of return to vendors, except to collect and hold solely for disposition in accordance with the order of the licensing agency any charges authorized for those purposes by the licensing agency;

- (d) Specify that only the licensing shall have control with respect to the selection, placement, transfer, financial participation and termination of the vendors, and the preservation, utilization, and disposition of program assets; and
- (e) Specify the type and extent of the services to be provided under the agreement.

Party - a person admitted to participate in a hearing conducted pursuant to these rules. A complainant and any affected persons shall be entitled to be named parties. The licensing agency shall be deemed to be a party without the necessity of being so named.

Person - an individual, partnership, association, corporation, business trust, legal representative, or organized group of individuals or an agency, authority, or instrumentality or the Federal or District governments.

Proceeding - any formal action before a hearing examiner.

Randolph-Sheppard Vending Facilities Program (RSVFP) – the program which licenses blind vendors and provides ongoing support services, in accordance with the Randolph-Sheppard Vending Stand Act and 34 C.F.R. § 395.7.

Representative - any person authorized by a party to represent that party in a proceeding. Nothing in these rules shall be understood as requiring that a representative be an attorney.

RSVFP Trainee – an individual who:

- (a) Is not a licensed vendor pursuant to the Randolph-Sheppard Vending Stand Act; and
- (b) Is receiving vocational rehabilitation services / training pursuant to the Rehabilitation Act of 1973, and 34 C.F.R. § 395.11.

Set-aside funds - funds which accrue to the licensing agency from an assessment against the net proceeds of each vending facility in the District's RSVFP and any income from vending machines on federal property which accrues to the licensing agency.

State Committee of Blind Vendors - a committee established pursuant to Mayor's Order 77-131, dated August 8, 1977, as amended by Mayor's Order 78-22, dated January 12, 1978, to advise and consult with the Rehabilitation Services Administration on issues affecting the administration of the Blind Vendors Program.

State Licensing Agency – the State Agency designated by the Secretary, pursuant to 34 C.F.R. §§ 395 *et seq.*, to issue licenses to blind persons for the operation of vending facilities on Federal and other property.

Vending facility - automatic vending machines, cafeterias, snack bars, cart service, shelters, counters, and other appropriate auxiliary equipment that may be operated by blind licensees and which is necessary for the sale of newspapers, periodicals, confections, tobacco products, foods, beverages, and other articles or services dispensed automatically or manually and prepared on or off the premises in accordance with all applicable health laws, and including the vending or exchange of changes for any lottery authorized by District law and conducted by the licensing agency within the District.

Vending machine - for the purpose of assigning vending machine income under this chapter, a coin or currency operated machine which dispenses articles or services; Provided, that those machines operated by the United States Postal Service for the sale of postage stamps or other postal products and services, machines providing services of a recreational nature, and telephones shall not be considered to be vending machines.

Vendor - a blind licensee who is operating a vending facility on federal or other property.

D.C. DEPARTMENT OF HUMAN RESOURCES**NOTICE OF FINAL 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 Title XX of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-610.51 *et seq.* (2013 Supp.)); the District of Columbia Government Comprehensive Merit Personnel Amendment Act of 2012 (Act), effective March 14, 2012 (D.C. Law 19-115; 59 DCR 461 (January 27, 2012)); and the Executive Service Compensation Act of 2011 (Act), effective February 24, 2012 (D.C. Law 19-83; 58 DCR 11024 (March 23, 2012)); hereby gives notice that final rulemaking action was taken to adopt the following rules to amend Chapter 10, "Executive Service," of Subtitle B of Title 6, "Government Personnel," of the District of Columbia Municipal Regulations (DCMR), in its entirety.

No comments were received and no changes were made under the Notice of Proposed Rulemaking published June 6, 2014 at 61 DCR 005785. The rules were adopted on July 17, 2014 and shall become effective upon publication of this notice in the *D.C. Register*.

D.C. PERSONNEL REGULATIONS

Chapter 10, "Executive Service," of Subtitle B of Title 6, "Government Personnel", of the District of Columbia Municipal Regulations, is amended to read as follows:

1000 EXECUTIVE SERVICE

- 1000.1 The Executive Service is established within the District government to ensure that each subordinate agency head is of the highest quality, is responsible for the effective and efficient management of subordinate agencies, and is responsive to the needs of the citizens and the goals of the District of Columbia government.
- 1000.2 Appointments to Executive Service positions shall be made by the Mayor as provided by §§ 1051 through 1063 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-610.51 *et seq.* (2012 Repl.)).
- 1000.3 Employees appointed to the Executive Service shall serve at the pleasure of the Mayor, except as otherwise provided for by statute.
- 1000.4 The provisions of this chapter shall apply to employees appointed to the Executive Service by the Mayor, including individuals appointed to serve as Chief of Police of the Metropolitan Police Department, Fire Chief of the Fire and Emergency Medical Services Department, and Chancellor of the District of Columbia Public Schools, except as otherwise provided for by statute.

- 1000.5 Employment in the Executive Service shall comply with the Immigration Reform and Control Act of 1986, as amended, which requires that employers hire only citizens and nationals of the United States and aliens authorized to work and to verify the identity and employment eligibility of all employees hired after November 6, 1986.
- 1000.6 Except in the case of an individual who meets the following criteria, any person who accepts an appointment or is hired to fill a position in the Executive Service on or after October 1, 2002 shall become a domiciliary of the District of Columbia within one hundred eighty (180) days of the effective date of appointment and shall maintain District of Columbia domicile for the duration of appointment:
- (a) Any person who was an employee of the District of Columbia government on December 31, 1979, and who is still employed by the District of Columbia government without having had a break in service of one (1) workday or more since that date; or
 - (b) Pursuant to the provisions of § 7 of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act, approved November 8, 1984 (Pub.L. 98-621; 98 Stat. 3376; 24 U.S.C. § 225e(b)), any former employee of the U.S. Department of Health and Human Services at St. Elizabeths Hospital who accepted employment with the District government without a break in service effective October 1, 1987, and who has not had a break in service since that date.
- 1000.7 Except as provided in Subsections 1000.6(a) and (b) of this section, any employee in the Executive Service who was hired prior to October 1, 2002, and who was required to be or become a bona fide resident of the District of Columbia within one hundred eighty (180) days of appointment and maintain such residency for the duration of appointment or forfeit employment shall continue to be bound by the residency requirement that was in effect before October 1, 2002.
- 1000.8 Failure to become a domiciliary of the District of Columbia within the required period of time and to maintain District of Columbia domicile pursuant to this section shall result in forfeiture of employment.
- 1000.9 Notwithstanding the provisions of Subsections 1000.6 through 1000.8 of this section, a person nominated to serve in an acting or interim capacity in the Executive Service shall not become subject to the domicile requirement until after confirmation by the Council and promulgation of a Mayor's Order or a personnel action appointing him or her to the Executive Service position. Specifically, the person shall become a domiciliary of the District of Columbia within one hundred eighty (180) days from the date specified in the Mayor's Order as the date of appointment, or from the effective date of the personnel action processed after Council confirmation to appoint him or her to the position, whichever action occurs first.

1000.10 The Director of the D.C. Department of Human Resources (Director of the DCHR) shall inform each employee subject to the provisions of Subsection 1000.9 of this section, in writing, of the exact date by which he or she shall meet the domicile requirement.

1001 EXECUTIVE SERVICE PAY PLAN

1001.1 The Executive Service Pay Schedule (“DX Schedule”) is divided into five (5) pay levels and is the basic pay schedule for positions in the Executive Service.

1001.2 The Director of the DCHR shall provide relevant criteria for consideration by the Mayor in designating the appropriate pay level within the DX Schedule for each position in the Executive Service. Criteria shall include, but not be limited to, the following:

- (a) Agency budget characteristics;
- (b) Agency workforce characteristics;
- (c) Complexity of agency mission and functions; and
- (d) Desired qualifications for, or the impact of the person on, the position.

1001.3 A person appointed to a position in the Executive Service shall be appointed at the pay level on the DX Schedule designated for that position, and shall receive a salary set at any amount within the salary range that the Mayor determines to be appropriate.

1001.4 Any individual appointed to the position of Chief of Police of the Metropolitan Police Department, Fire Chief of the Fire and Emergency Medical Services Department, Chief Medical Examiner of the Office of the Chief Medical Examiner, or Chancellor of the District of Columbia Public Schools after February 24, 2012, shall be subject to compensation within the limits of the DX Schedule.

1001.5 Any individual appointed to the position of Director, Department of Forensic Science after June 19, 2013, shall be subject to compensation within the limits of the DX Schedule.

1001.6 The Mayor, at his or her sole discretion, may change the salary of any person holding an appointment in the Executive Service at any time to any other salary within the salary range for the level occupied.

1001.7 The salary of an Executive Service employee who is temporarily assigned to a position at a higher or lower level in the DX Schedule shall be set, at the discretion of the Mayor, at any salary within the salary range of the level to which the employee is

temporarily assigned or at a salary within the salary range of the level of the employee's regular Executive Service position.

1001.8 A person paid from the DX Schedule shall not be entitled to premium pay.

1001.9 A person holding an appointment in the Executive Service on the effective date of this section shall continue to be paid his or her existing salary until the Mayor effects a personnel action establishing a salary within the salary range for the designated level of the position on the DX Schedule.

1001.10 The Director of the DCHR shall publish procedures to implement this section, including the level designated by the Mayor for each Executive Service position.

1002 SUBSEQUENT APPOINTMENTS

1002.1 Except as provided in Subsection 1002.2 of this section, no person holding a position in the Executive Service may be appointed to a position in the Career, Educational, or Management Supervisory Service for at least one (1) year immediately following his or her separation from the Executive Service.

1002.2 Upon termination from the Executive Service, a person with Career, Educational, or Management Supervisory Service status may retreat, at the discretion of the Mayor and in such service in which he or she has status, within three (3) months, to a vacant position for which he or she is qualified.

1003 PRE-EMPLOYMENT TRAVEL AND RELOCATION EXPENSES AND TEMPORARY HOUSING ALLOWANCE

1003.1 An agency may pay an individual reasonable travel expenses, up to a maximum of five thousand dollars (\$5,000), incurred incidental to pre-employment interviews held for the purpose of ascertaining his or her qualifications for a position in the Executive Service.

1003.2 An agency may pay reasonable relocation expenses for the individual and his or her immediate family when the individual is selected for or appointed to a position in the Executive Service, if that relocation is to the District of Columbia from outside the Greater Washington Metropolitan Area.

1003.3 In the case of an individual eligible for reasonable relocation expenses pursuant to Subsection 1003.2 of this section, an agency may pay a reasonable temporary housing allowance for a period not to exceed sixty (60) days for the individual and his or her immediate family.

1003.4 Payment of expenses under Subsections 1003.2 and 1003.3 of this section may only be made after the selectee or appointee signs a notarized agreement to remain in the

District government service for twelve (12) months after his or her appointment, unless separated for reasons beyond his or her control that are acceptable to the Mayor.

1003.5 Any expense incurred for which reimbursement is sought pursuant to this section must be supported by a valid receipt or invoice, the original of which must be submitted with the request for reimbursement.

1003.6 If an individual violates an agreement under Subsection 1003.4 of this section, the money paid by the District government for expenses shall be a debt due to the District government and shall be recoverable by set-off, in accordance with Chapter 29 of these regulations, against accrued pay or any other amount due the individual.

1004 EMPLOYMENT CONTRACT

1004.1 Pursuant to § 1064 of the CMPA (D.C. Official Code § 1-610.64 (2012 Repl.)), the Mayor shall not enter into an employment contract with a subordinate agency head that contains terms and conditions of employment that are inconsistent with existing laws.

1004.2 If the Mayor enters into an employment contract with a subordinate agency head, the employment contract shall be posted on the DCHR's website within thirty (30) days of signing. The posting of the contract is subject to relevant exemptions pursuant to § 2-534 (D.C. Official Code § 1-610.64 (2012 Repl.)) and required disclosures pursuant to § 2-536 (D.C. Official Code § 1-610.64 (2012 Repl.)).

1004.3 An employment contract, if any, with a subordinate agency head shall be submitted to the Council with the transmittal of the nomination of the subordinate agency head.

1005 PERFORMANCE CONTRACT

1005.1 The Mayor shall set performance expectations and goals for each subordinate agency head in a written annual performance contract. The performance contract shall outline agency-specific and operational goals, with a corresponding timeline for accomplishment of each goal. Both the Mayor and the subordinate agency head shall sign the annual performance contract.

1005.2 Each subordinate agency head shall be evaluated on an annual basis on the achievement of the performance expectations and goals in the performance contract for that year.

1005.3 The performance rating period for each subordinate agency head shall be from the beginning of each fiscal year to the end of the fiscal year.

1006 PERFORMANCE INCENTIVES

- 1006.1 Pursuant to § 1057 of the CMPA (D.C. Official Code § 1-610.57 (2012 Repl.)), the Mayor may authorize performance incentives for exceptional service by a subordinate agency head.
- 1006.2 A performance incentive may be paid only once in a fiscal year, and only when the agency head is subject to an annual performance contract that clearly identifies measurable goals and outcomes and the agency head has exceeded contractual expectations in the year for which the incentive is to be paid.
- 1006.3 The amount of a performance incentive shall be determined by the Mayor and shall not exceed ten percent (10%) of the employee's rate of basic pay in any year.
- 1006.4 A performance incentive pursuant to this section shall be approved as specified in Subsection 1006.6 of this section.
- 1006.5 A performance incentive granted under this section shall not be considered base pay for any purpose, and shall be subject to the withholdings of federal, District of Columbia, and State income taxes, and social security taxes, if applicable. The amount of a performance incentive shall not be adjusted upward to cover these taxes.
- 1006.6 Performance incentives pursuant to this section shall be approved in accordance with procedures established by the Director of the DCHR. The procedures shall provide for the following approval authorities, which may be further limited by written instruction from the Mayor when deemed to be in the best interests of the District government:
- (a) The Mayor may approve performance incentives exceeding two thousand dollars (\$2,000) for subordinate agency heads (not including the Director of the DCHR) as specified in Subsection 1006.6(c) of this section.
 - (b) The Mayor may grant a performance incentive to the Director of the DCHR after review and recommendation by the City Administrator.
 - (c) To advise the Mayor in reviewing and recommending performance incentives for subordinate agency heads (excluding the Director of the DCHR), the Mayor shall appoint a committee comprised of all Deputy Mayors, the Mayor's Chief of Staff, the City Administrator, and the Director of the DCHR (or his or her designee). The committee shall meet at least once every year to discuss annual performance incentives for subordinate agency heads.

1007 ADDITIONAL INCOME ALLOWANCE FOR MEDICAL OFFICERS

1007.1 Pursuant to § 1056 of the CMPA (D.C. Official Code § 1-610.56 (2012 Repl.)), at the discretion of the Mayor, a subordinate agency head who is required to hold a medical degree and who enters into a service agreement, may be paid an additional income allowance of up to fifteen percent (15%) of the maximum rate of pay for the level held.

1008 SEPARATION PAY

1008.1 Pursuant to § 1058 of the CMPA (D.C. Official Code § 1-610.58 (2012 Repl.)), at the discretion of the Mayor and subject to the provisions of this section, a subordinate agency head may receive separation pay of up to twelve (12) weeks upon separation from District government service, provided that the agency head has been employed by the District government in the position from which separating for at least one (1) year prior to separation. Any separation pay granted to a subordinate agency head who has been employed by the District government for less than one (1) year prior to separation shall not exceed four (4) weeks of his or her basic pay.

1008.2 The number of weeks of separation pay authorized pursuant to this section shall not exceed the number of weeks between the individual's separation and the individual's appointment to another position in the District government.

1008.3 Separation pay, if authorized pursuant to Subsection 1008.1 of this section, shall be provided at the time of separation from the District government as a lump-sum, one-time payment, subject only to the withholdings of federal, District of Columbia, and State income taxes, and social security taxes, if applicable.

1008.4 Separation pay shall not be payable to any individual who:

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

1008.5 An individual who receives separation pay pursuant to this section, and who is subsequently appointed to any position in the District government during the period of weeks represented by that payment, shall be required to repay the amount of separation pay attributable to the period covered by such appointment. The pro-rated amount to be repaid shall be based on the entire amount of the separation pay, including all deductions for taxes, etc., and shall be paid to the agency that made the separation payment.

1009 UNIVERSAL LEAVE

- 1009.1 An employee appointed on or after January 2, 1999 without a break in service from another position in the District government to serve in an acting or interim capacity in an Executive Service position shall not become subject to the provisions of this section until confirmation by the Council and promulgation of the Mayor's Order appointing him or her to the Executive Service position, whereupon applicability of this section shall become effective as of the date specified by Mayor's Order as the effective date of that appointment.
- 1009.2 Each Executive Service employee shall have a universal leave account.
- 1009.3 On the first pay period of the leave year, each individual shall have his or her universal leave account credited with two-hundred eight (208) hours of universal leave.
- 1009.4 Except as provided in Subsection 1009.5 of this section, each full biweekly pay period represents eight (8) hours of accrued universal leave.
- 1009.5 Each Executive Service employee appointed after the first pay period of the leave year shall have his or her leave account credited with universal leave on a pro rata basis.
- 1009.6 An Executive Service employee who initially enters on duty on any workday of a biweekly pay period shall receive credit for the entire biweekly pay period for purpose of crediting universal leave.
- 1009.7 Universal leave provided by this chapter shall be used on days on which an Executive Service employee would otherwise work and receive pay and shall be exclusive of official holidays and non-workdays established by statute or administrative order.
- 1009.8 There shall be no charge to universal leave for absences of less than two (2) hours.
- 1009.9 An Executive Service employee may carry over not more than forty (40) hours of unused universal leave for use in succeeding years. All other unused leave shall be forfeited at the end of the leave year.
- 1009.10 Upon separation, an Executive Service employee shall be paid for any universal leave remaining to his or her credit (less a pro-rated amount representing the portion of the universal leave that would be creditable for the remainder of the year).
- 1009.11 Payment for leave upon separation from the Executive Service as provided in Subsection 1009.10 of this section shall be at the employee's rate of pay at the time of separation.

- 1009.12 Except as provided in Subsection 1009.14 of this section, each employee who was in the Executive Service on or before January 2, 1999 shall have his or her accrued annual leave balance, up to a maximum of two hundred forty (240) hours, transferred to an annual leave escrow account for use at the discretion of the employee until exhausted.
- 1009.13 The employee shall be given a lump-sum payment for any annual leave in excess of the leave transferred pursuant to Subsection 1009.12 of this section, payable at the rate of pay in effect on the last day of the last pay period of the 1998 leave year.
- 1009.14 Each employee appointed without a break in service to a position in the Executive Service from another position in the District government on or after October 21, 1998 shall have his or her accrued annual leave balance, up to a maximum of two hundred forty (240) hours, transferred to an annual leave escrow account for use at the discretion of the employee until exhausted.
- 1009.15 The employee shall be given a lump-sum payment for any annual leave in excess of the leave transferred pursuant to Subsection 1009.14 of this section, payable at the rate of pay in effect immediately before his or her appointment to the Executive Service.
- 1009.16 Upon separation, an Executive Service employee shall be paid for any annual leave remaining in the annual leave escrow account.
- 1009.17 Sick leave credit of an Executive Service employee that was accrued under § 1203(j) of the CMPA (D.C. Official Code § 1-612.03(j) (2012 Repl.)) shall be held in a sick leave escrow account and may be used at the discretion of the employee until exhausted.
- 1009.18 Any balance remaining in a sick leave escrow account at the time of retirement of an Executive Service employee under the U.S. Civil Service Retirement System (Chapter 83 of Title 5 of the U.S. Code) or the Police and Fire Retirement System (D.C. Official Code §§ 5-701 *et seq.* (2012 Repl.)) shall be available for use as additional service credit under the provisions of the applicable retirement system.
- 1009.19 When an employee elects to use leave from either the annual leave escrow account or the sick leave escrow account, such usage shall only be charged for absences of more than two (2) hours.

1010 RETIREMENT BENEFITS

- 1010.1 An employee first hired after September 30, 1987, may elect to participate in the District's defined contribution plan or may elect to have the funds that would otherwise be contributed by the District under the defined contribution plan directed to another 401(a) retirement plan.

1011 LIFE INSURANCE BENEFITS

1011.1 In addition to life insurance coverage provided in Chapter 22 of these regulations, Executive Service employees may receive additional coverage not to exceed twice the rate of the employee's basic pay. The cost of this coverage shall be at the District government's expense.

1012 DISABILITY INCOME PROTECTION PROGRAM [RESERVED]

1099 DEFINITIONS

1099.1 When used in this chapter, the following terms shall have the meaning ascribed:

Executive Service – except as modified by § 1009.1 for purposes of § 1009, any subordinate agency head position under the administrative control of the Mayor, to which the Mayor is authorized to appoint executives in accordance with §§ 1051 through 1063 of the CMPA (D.C. Official Code §§ 1-610.51 *et seq.* (2012 Repl.)).

Greater Washington Metropolitan Area – the Consolidated Metropolitan Statistical Area which includes Washington, D.C. (the “Washington-Baltimore, DC-MD-VA-WV CMSA”), as defined by the Office of Management and Budget June 30, 1998 (revised November 3, 1998), and which consists of the following:

- (a) The Baltimore, MD Primary Metropolitan Statistical Area (PMSA), consisting of Anne Arundel County, Baltimore County, Carroll County, Harford County, Howard County, Queen Anne's County, and Baltimore city;
- (b) The Hagerstown, MD PMSA, consisting of Washington County; and
- (c) The Washington, DC-MD-VA-WV PMSA, consisting of the District of Columbia; Calvert County, MD; Charles County, MD; Frederick County, MD; Montgomery County, MD; Prince George's County, MD; Arlington County, VA; Clarke County, VA; Culpeper County, VA; Fairfax County, VA; Fauquier County, VA; King George County, VA; Loudoun County, VA; Prince William County, VA; Spotsylvania County, VA; Stafford County, VA; Warren County, VA; Alexandria city, VA; Fairfax city VA; Falls Church city, VA; Fredericksburg city, VA; Manassas city, VA; Manassas Park city, VA; Berkeley County, WV; and Jefferson County, WV.

Performance contract – an agreement between an agency head and the Mayor or the City Administrator that may be entered into and that clearly identifies measurable goals and outcomes.

Pre-employment travel expenses – expenses allowed for an individual pursuant to § 1003.1, which may include such items as hotel accommodations, travel (commercial carrier, privately owned vehicle, etc.), and a per diem allowance.

Relocation expenses – expenses allowed for an individual and his or her immediate family pursuant to § 1003.2, which may include such items as transportation of family, transportation of household goods and expenses related thereto, temporary storage expenses, relocation services company, property management services, and a per diem allowance.

Subordinate agency – any agency under the direct administrative control of the Mayor, including, but not limited to, the agencies listed in § 301(q) of the CMPA (D.C. Official Code § 1-603.01(17) (2012 Repl.)).

Temporary housing allowance – subsistence expenses incurred by an individual and his or her immediate family while occupying lodging obtained for the purpose of temporary occupancy when authorized pursuant to § 1003.3.

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

The Chief Procurement Officer (“CPO”) of the Office of Contracting and Procurement, pursuant to the authority set forth in Sections 204 and 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §§ 2-352.04 and 2-361.06) (2012 Repl.), hereby gives notice of the intent to adopt a proposed rulemaking to amend Section 1630 of Chapter 16 (Procurement by Competitive Sealed Proposals) of Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations (“DCMR”).

The purpose of the rulemaking is to grant a contracting officer the discretion to determine whether a price realism analysis is necessary on a procurement-by-procurement basis.

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

Chapter 16, PROCUREMENT BY COMPETITIVE SEALED PROPOSALS, of Title 27, CONTRACTS AND PROCUREMENT, of the DCMR is amended as follows:

Section 1630.2 is amended to read as follows:

1630.2 The contracting officer shall evaluate the cost or price to determine reasonableness.

All persons desiring to comment on the subject matter of this proposed rulemaking should submit comments, in writing, to the Chief Procurement Officer, 441 4th Street, 700 South, Washington, D.C. 20001. Comments may be sent by email to OCPRulemaking@dc.gov or may be submitted by postal mail or hand delivery to the address above. Comments must be received no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. A copy of this proposed rulemaking may be obtained at the same address.

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

NOTICE OF PROPOSED RULEMAKING

The Administrator of the Office of Documents and Administrative Issuances, pursuant to the authority set forth in the District of Columbia Documents Act, effective March 6, 1979 (D.C. Law 2-153; D.C. Official Code §§ 2-612 *et seq.* (2012 Repl.)), hereby gives notice of his intent to adopt the following amendments to Chapter 3 (Rules of the Office of Documents and Administrative Issuances) of Title 1 (Mayor and Executive Agencies) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the rulemaking is to make changes to the Office of Documents and Administrative Issuances rules to conform to the office's current operations, including changing the timeline for District agencies to file documents, including rulemakings, for review and publication in the *D.C. Register*. The rulemaking also makes editorial amendments to enhance readability and consistency within and across chapters.

Chapter 3 (Rules of the Office of Documents and Administrative Issuances) of Title 1 (Mayor and Executive Agencies) DCMR is deleted in its entirety and replaced with the following new Chapter 3:

CHAPTER 3 RULES OF THE OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

SECTIONS

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| 300 | Office of Documents: General Provisions |
| 301 | General Authority of the Administrator of Documents |
| 302 | Services to the Public |
| 303 | Services to District Government Agencies |
| 304 | Agency Representatives |
| 305 | <i>District of Columbia Register</i> : Publication Policy |
| 306 | Public Schedules and Deadlines |
| 307 | Preparation and Filing of Documents |
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| 309 | Notices of Proposed Rulemaking |
| 310 | Notices of Final Rulemaking |
| 311 | Notices of Emergency Rulemaking |
| 312 | <i>District of Columbia Municipal Regulations</i> : Publication Policy |
| 313 | <i>District of Columbia Municipal Regulations</i> : Structure and Format |

300 OFFICE OF DOCUMENTS: GENERAL PROVISIONS

300.1 The District of Columbia Office of Documents and Administrative Issuances was established as part of the Executive Office of the Mayor on March 6, 1979, by § 2 of the District of Columbia Documents Act, effective March 6, 1979 (D.C. Law 2-

153; D.C. Official Code §§ 2-611 *et seq.* (2012 Repl.)); and by Mayor's Order 88-104, dated April 26, 1988.

- 300.2 The purpose of this chapter is to set forth the policies and procedures for the implementation of the District of Columbia Documents Act (referred to in this chapter as the “**Documents Act**”) and applicable provisions of the District of Columbia Administrative Procedure Act (D.C. Official Code §§ 2-501 *et seq.* (2012 Repl.)) (referred to in this chapter as the “**Administrative Procedure Act**”).
- 300.3 The provisions of this chapter are promulgated pursuant to authority set forth in § 3(b) of the Documents Act.
- 300.4 The Administrator of the Office of Documents and Administrative Issuances (referred to in this chapter as the “**Administrator**”) is appointed by the Mayor and supervised by the Secretary of the District of Columbia, and is vested with the authority to administer the provisions of the Documents Act in accordance with § 2 of the Documents Act.
- 300.5 The Office of Documents and Administrative Issuances (also referred to in this chapter as the “**Office of Documents**”) is responsible for the preparation and publication of the legal documents of the District of Columbia government.
- 300.6 All publications of the Office of Documents will be considered “published” when posted to its website, <http://dcregs.dc.gov> and to the website of the Office of the Secretary, <http://os.dc.gov>. The Office of Documents will contemporaneously retain a paper copy of each official electronic publication.
- 300.7 The online copies of the *District of Columbia Register*, *District of Columbia Municipal Regulations*, and Mayor's Administrative Issuances shall be considered the official copies. One paper original of each shall be retained at the Office of Documents and Administrative Issuances, and one copy of the paper original shall be provided to the District of Columbia Archives for permanent storage. A hardcopy of the original *District of Columbia Register*, *District of Columbia Municipal Regulations* shall also be retained in the District of Columbia Archives, and shall be considered a true copy. If there is any discrepancy regarding the accuracy of any publication, the paper original located in the Office of Documents’ office or the District of Columbia Archives shall be considered the authoritative copy.
- 300.8 Because free online access is available to all of the Office of Documents and Administrative Issuances publications, all mailed subscriptions ended on December 31, 2008.

The Office of Documents and Administrative Issuances’ publications include the following:

- (a) The *District of Columbia Register* (also referred to as the “**Register**” or “**D.C. Register**” and abbreviated as “**DCR**”);
- (b) The *District of Columbia Municipal Regulations* (also referred to as the “**D.C. Municipal Regulations**” and abbreviated as “**DCMR**”); and
- (c) Mayor's Administrative Issuances.

300.9 The Office of Documents and Administrative Issuances is located at One Judiciary Square, 441 4th Street, N.W., Suite 520 South, Washington, D.C. 20001. This is also the mailing address for Office of Documents and Administrative Issuances.

300.10 The regular office hours of the Office of Documents and Administrative Issuances are from 8:30 a.m. to 5:00 p.m., Monday through Friday, exclusive of District of Columbia government holidays.

301 GENERAL AUTHORITY OF THE ADMINISTRATOR OF THE OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

301.1 The Administrator of the Office of Documents and Administrative Issuances is vested with authority to administer generally the provisions of this chapter, the provisions of the Documents Act, and the applicable provisions of the Administrative Procedure Act (D.C. Official Code §§ 2-501 *et seq.*), as amended, in accordance with the provisions of D.C. Official Code, § 2-612 (2012 Repl.).

301.2 The Administrator is authorized to promulgate rules and procedures for the implementation of the Documents Act and applicable provisions of the Administrative Procedure Act.

301.3 The Administrator is responsible for the supervision, management, and direction of the District of Columbia Office of Documents and Administrative Issuances, under the supervision of the Secretary of the District of Columbia.

301.4 The Administrator is authorized to adopt editorial standards for the submission of documents for publication in the *District of Columbia Register* and the *District of Columbia Municipal Regulations*, including requirements for standardized organization, numbering, format, grammar, and other matters of style.

301.5 With the exception of acts, laws and resolutions adopted by the Council of the District of Columbia, the Administrator is authorized to reject for publication any document that fails to comply substantially with the publication requirements and standards set forth in this chapter.

- 301.6 The Administrator is authorized to incorporate by reference the text of documents in the *District of Columbia Register* or the *District of Columbia Municipal Regulations*, in accordance with the provisions of the Documents Act and this chapter.
- 301.7 The Administrator is required to certify the promulgation, adoption, or enactment of all documents published by the Office of Documents and Administrative Issuances. The Administrator is authorized to obtain the assistance of the Office of the Attorney General, the officer designated by the Chairperson of the Council, or agency legal counsel in determining whether a document should be certified for publication.
- 301.8 The Administrator is required to provide instruction for promulgators of documents in the matters set forth in this chapter, including preparation and submission of documents, publication standards, and other areas that will assist the promulgators in complying with the requirements of this chapter.

302 SERVICES TO THE PUBLIC

- 302.1 The public may access the *District of Columbia Register* online at the Office of Documents and Administrative Issuances' website <http://dcregs.dc.gov> or online at District of Columbia Public Libraries.
- 302.2 Anyone requesting a printed version of any edition of the *District of Columbia Register* may purchase one at a price set by the Administrator that covers the cost to the Office of Documents and Administrative Issuances for printing it. The prices will vary by the number of pages of the edition, but in any case will be whole dollar increments between \$5.00 and \$50.00.
- 302.3 Copies of the titles of the *District of Columbia Municipal Regulations* shall be published online at <http://dcregs.dc.gov>, with printed versions available for purchase at the Office of Documents at a price that covers the cost of materials. The prices will vary by each title, but in any case will be whole dollar increments between \$7.00 and \$100.00.
- 302.4 Copies of titles of the *District of Columbia Municipal Regulations* and *District of Columbia Register* are available for purchase at a price as set forth in §§ 302.2 and 302.3 herein. The Office of Documents and Administrative Issuances is located at One Judiciary Square, 441 4th Street, N.W., Suite 520 South, Washington, D.C. 20001.

303 SERVICES TO DISTRICT GOVERNMENT AGENCIES

- 303.1 In order to ensure the efficient and timely promulgation of notices of proposed rulemaking, final rules, notices of public hearings, and other legal notices and

documents, the Administrator shall assist the agencies of the District government in complying with the following:

- (a) The provisions of this chapter;
- (b) The requirements of the Documents Act; and
- (c) The applicable provisions of the Administrative Procedure Act, as amended.

303.2 The Administrator shall arrange to provide an appropriate response to each inquiry presented in person by telephone, or in writing to the Office of Documents and Administrative Issuances.

303.3 The staff of the Office of Documents shall provide informal assistance and advice to officials of District agencies with regard to general or specific rulemaking and notice practices, including drafting of proposed rules, notice requirements, promulgation procedures, and other matters arising under the provisions of the chapter.

303.4 The staff of the Office of Documents will conduct seminars in the various aspects of rulemaking practice and preparation of official documents for officials of the District government. Seminars will be arranged for small groups or individuals. The emphasis of these seminars will be on addressing the particular needs of agencies and promulgators of legal documents for publication in the *District of Columbia Register* and *District of Columbia Municipal Regulations*.

303.5 Requests for scheduling of seminars, including a list of topics to be covered, should be made in writing to the Administrator. Requests should be submitted reasonably in advance and should suggest several alternative dates and times to facilitate scheduling.

304 AGENCY REPRESENTATIVES

304.1 Each agency, department, office, or other governmental entity that submits documents for publication in the *District of Columbia Register* shall designate, from its Director's office or General Counsel's office, a representative and alternate to serve as a liaison to the Office of Documents and Administrative Issuances. All representatives shall be called "agency liaisons."

304.2 Agency liaisons and Directors shall be the main contact persons in matters relating to the publication of documents in the *District of Columbia Register*. All documents submitted by an agency for publication, including notices and rulemaking documents, must be submitted through the agency liaison or Director.

304.3 Designation of an agency liaison does not exempt an agency from the required

review of the substance of rulemaking documents and legal certification by the Office of the Attorney General. Legal certification by agency counsel must be approved by the Administrator.

304.4 Each agency liaison shall be responsible for the following:

- (a) Representation of the agency in all matters relating to compliance with the provisions of this chapter;
- (b) Responding to inquiries from the Office of Documents and Administrative Issuances concerning documents or notices submitted by the agency for publication;
- (c) Ensuring that the agency head or other official authorized by law to promulgate rules or attest to the promulgation of rules has reviewed all rulemaking notices and the rulemaking text, and has signed the required transmittal form, either in hard-copy or electronically, in accordance with the provisions of § 307.11;
- (d) Ensuring that the required legal certification is set forth on the transmittal form in accordance with the provisions of § 307; and
- (e) Ensuring that all other documents are in compliance with the rules as set forth in this chapter prior to submission for publication.

305 *DISTRICT OF COLUMBIA REGISTER: PUBLICATION POLICY*

305.1 The Office of Documents and Administrative Issuances shall publish electronically, a weekly serial publication, called the *District of Columbia Register*, which shall contain the following:

- (a) Each act, law and resolution adopted by the Council and approved by the Mayor, enacted without mayoral approval, or enacted by the override of a mayoral veto;
- (b) Each final or emergency rule, regulation, or other document required by law to be codified in the *District of Columbia Municipal Regulations*;
- (c) Each notice of proposed rulemaking or intent to adopt the contents of any other document required to be codified in the *District of Columbia Municipal Regulations*;
- (d) Each notice of public hearing issued by the Council or an agency; and
- (e) Other documents accepted for publications pursuant to §§ 305.6, 305.7, or 305.8.

- 305.2 Documents required or authorized to be published in the *District of Columbia Register* shall be published as promptly after submission as possible, within limitations, imposed by considerations of accuracy, and substantial compliance with the publication standards set forth in this chapter.
- 305.3 In prescribing rules governing headings, notice format, effective dates, authority citations, and other matters of form, the Office of Documents and Administrative Issuances shall not affect the validity of any document that is filed and published under the law.
- 305.4 The *District of Columbia Register* serves as the ongoing supplement to the *District of Columbia Municipal Regulations*. Each document that is subject to codification in the *District of Columbia Municipal Regulations* and published in the *District of Columbia Register* shall be cross-referenced to the *District of Columbia Municipal Regulations*.
- 305.5 Each rulemaking document submitted to the Office of Documents and Administrative Issuances for publication in the *District of Columbia Register* must comply fully with the format, style, and other requirements established for the *District of Columbia Municipal Regulations*.
- 305.6 The following documents are required to be submitted to the Office of Documents and Administrative Issuances for publication in the *District of Columbia Register*:
- (a) Each act, law and resolution of the Council of the District of Columbia;
 - (b) Each notice of public hearing;
 - (c) Each notice of proposed, final, or emergency rulemaking;
 - (d) All administrative issuances of the Mayor, including orders and memoranda;
 - (e) Each document having general applicability and legal effect; and
 - (f) Other documents required by law to be published in the *District of Columbia Register*.
- 305.7 The Administrator of the Office of Documents and Administrative Issuances is authorized to publish the following documents in the *District of Columbia Register*:
- (a) Documents requested to be published by the Chairperson of the Council or the Chairperson's designee;

- (b) Documents requested to be published by the Joint Committee on Judicial Administration in the District of Columbia;
- (c) Information on changes in the organization of the government of the District of Columbia;
- (d) Notices of public hearings not required by law or regulation to be published in the *District Columbia Register*; and
- (e) Documents requested to be published by the Mayor of the District of Columbia.

305.8 Whenever the Administrator determines that the publication of a document not required by § 305.6 or authorized by § 305.7 would be of general public interest, the Administrator may permit the document to be published in the *District of Columbia Register*.

305.9 The following documents are generally not authorized to be published in the *District of Columbia Register*, except as provided by § 305.8:

- (a) Proclamations or other ceremonial documents;
- (b) Notices of meetings or other activities, except for meetings required to be made open to the public pursuant to the Open Meetings Amendment Act of 2010, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code §§ 2-571 *et seq.* (2012 Repl.));
- (c) Correspondence, memoranda, or internal agency documents;
- (d) Press releases, news items, commentary, or editorials;
- (e) Adjudicatory notices, opinions, or orders;
- (f) Judicial Declaratory Orders;
- (g) Resolutions, petitions, or recommendations submitted for consideration by the Council, Mayor, or an agency; and
- (h) Employment information, job announcements, or position descriptions.

305.10 Without prejudice to any other form of citation, the *District of Columbia Register* shall be cited by volume and page number, and the short form “DCR” shall be used in the citation. The date of publication of the weekly edition should also generally be included in the citation. For example, material published on page 91 of Volume 61 of the *District of Columbia Register* on January 3, 2014 should be cited as “61 DCR 91 (January 3, 2014).”

- 305.11 Each document published in the *District of Columbia Register* shall be placed under one of the following table of contents categories, as indicated:
- (a) COUNCIL OF THE DISTRICT OF COLUMBIA - Which shall contain all resolutions and approved acts of the Council, mayoral vetoes of Council acts, notices of D.C. Law numbers assigned, notices of filing and intent to consider legislation, notices of public hearings, and other documents requested to be published by the Chairperson;
 - (b) PUBLIC HEARINGS - Which shall contain all notices of public hearings issued by an agency or authorized for publication under § 305.7(d);
 - (c) FINAL RULEMAKING - Which shall contain all final rules, notices of final rulemaking and documents having general applicability and legal effect;
 - (d) PROPOSED RULEMAKING - Which shall contain all notices of intent to adopt rules or documents of general applicability and legal effect, except combined notices pursuant to § 305.11(e);
 - (e) EMERGENCY RULEMAKING - Which shall contain all notices of emergency rulemaking and combined notices of emergency and proposed rulemaking;
 - (f) NOTICES, OPINIONS, AND ORDERS - Which shall contain all other documents authorized for publication under §§ 305.7 or 305.8; and
 - (g) ADMINISTRATIVE ISSUANCES - Which shall contain all Mayor's Orders, Mayor's Memorandum, and Mayor's Administrative Instructions.
- 305.12 The Office of Documents and Administrative Issuances will publish annually, within forty-five (45) days of the end of each Council year, a cumulative index of all matters published in the *District of Columbia Register* during the year. The complete index for each volume will also be published on a calendar year basis.
- 305.13 Beginning with Volume 27, in January 1980, complete volumes of the *District of Columbia Register* shall be published on a calendar year basis.¹
- 305.14 The certification and publication of a document in the *District of Columbia Register* or *District of Columbia Municipal Regulations* creates a rebuttable legal presumption that the document was duly issued, adopted, prescribed, or enacted, and that all requirements of the Documents Act and the Administrative Procedure Act have been met.
- 306 SUBMISSION OF DOCUMENTS: PUBLICATION SCHEDULES, DEADLINES AND SUBMISSION PROCEDURES**

306.1 All documents shall be submitted electronically by designated District of Columbia government agency personnel on the website that is found at <http://dcregs.dc.gov>.

306.2 RESERVED.

306.3 The *District of Columbia Register* is published on Friday each week. If a government holiday falls on Friday, the official publication date will remain the same.

306.4 Documents to be submitted for publication must conform to all style guidelines set forth in the Office of Documents and Administrative Issuances' *Rulemaking Handbook and Publications Style Manual*, which is available online at <http://dcregs.dc.gov> and at <http://os/dc.gov>. Failure to conform to style guidelines may delay publication.

306.5 The method of submitting documents for publication is electronic. All documents that require signatures must be submitted as digital images of the paper original, using a format such as pdf, tif, or jpg. Originals of all documents to be published shall be retained at the agency that submitted them, for a minimum of one year from date of publication. The Office of Documents and Administrative Issuances will also print and retain a copy of each electronic submission for a minimum of one year.

306.6 RESERVED.

306.7 All documents that do not require signatures (e.g., notices, proposed rulemakings, etc.) should be submitted as properly formatted text files. Microsoft Word is the preferred word processing program of the Office of Documents.

306.8 RESERVED.

306.9 RESERVED.

306.10 RESERVED.

306.11 The deadline for submission of documents for publication in each Friday edition of the *District of Columbia Register* is as follows:

- (a) Council Public Hearing Notices WEDNESDAY, NOON of the SAME week;
- (b) DC Acts, Laws and Resolutions of the Council.....WEDNESDAY, NOON of the SAME week;

- (c) Summaries of Council Legislative Sessions and Other Council notices WEDNESDAY, NOON of the SAME week;
- (d) Council Notices of intent to adopt new legislation..WEDNESDAY, NOON of the SAME week;
- (e) Final and Proposed Rulemaking Notices.....THURSDAY, NOON of the PREVIOUS week;
- (f) Emergency Rulemaking Notices..... THURSDAY, NOON of the PREVIOUS week; and
- (g) Other Agency Notices and Documents.....THURSDAY, NOON of the PREVIOUS week.

306.12 Documents filed for publication in an issue of the *District of Columbia Register* which is scheduled to be published on the Friday of a week containing an official District government holiday must be submitted one business day earlier than the deadline set forth in § 306.11.

306.13 Whenever an official government holiday falls on a Friday, the *District of Columbia Register* will be published one day earlier (Thursday), which means that all documents for publication in the *District of Columbia Register* are required to be submitted one business day earlier, as set forth in § 306.11.

306.14 All documents subject to codification in the *District of Columbia Municipal Regulations* shall be reviewed by the Office of Documents and Administrative Issuances and certified by the Administrator prior to publication in the *District of Columbia Register*.

306.15 A pre-publication review service shall be provided by the Office of Documents, as set forth in § 308, in order to expedite the publication of proposed rulemaking and other documents requiring detailed review.

306.16 Proposed rulemaking and other documents subject to codification in the *District of Columbia Municipal Regulations* which have not been through the pre-publication review process should be submitted several days in advance of the deadlines set forth in § 306.11 in order to allow time for editing.

306.17 Documents which have been tentatively certified by the Office of Documents following pre-publication review will not normally require additional review prior to publication.

306.18 The publication of a document on an emergency basis may be requested when the document involves the prevention, alleviation, control, or relief of an emergency

situation that impacts the public.

- 306.19 An agency requesting emergency publication shall briefly describe the nature of the emergency situation and the public benefits which would result from immediate publication.
- 306.20 Requests for emergency publication shall be made in writing to dcdocuments@dc.gov.
- 306.21 If the Administrator concurs with the request for emergency publication, the document shall be posted on the agency's online website as soon as possible, and will be officially published in the next edition of the *District of Columbia Register*.

307 FORMATTING AND PREPARATION OF DOCUMENTS

- 307.1 The Office of Documents and Administrative Issuances shall accept electronic submissions of documents. A person seeking to submit a document to the Office of Documents shall log onto www.dcregs.dc.gov and submit the document. Submissions should be in Microsoft Word format. Rulemaking submissions should adhere to the rules in §§ 307.9-307.15 of this chapter.
- 307.2 All documents submitted to the Office of Documents shall adhere to the Office's *Rulemaking Handbook and Publications Style Manual*. The requirements include:
- (a) Documents must be formatted for eight and one-half inch by eleven inch (8½ in. x 11 in.) white, opaque paper. The text must be set within margins not less than one (1) inch on all sides.
 - (b) The preferred font family for all Office of Documents publications is Times New Roman, 12 point size with "Automatic" font color. The use of color in type-faces or charts is discouraged, to enable ease of reading when printed in black and white.
 - (c) All documents submitted for publication in the *District of Columbia Register* must be single-spaced. Extra single spaces between paragraphs or sections, as well as additional spaces between major divisions of documents, are generally acceptable. Documents should be prepared with attention to the ease of reading.
 - (d) Documents should be prepared to be read vertically. Charts or other materials which cannot be reproduced in vertical form may be accepted for publication. In such cases, the text should be prepared for publication so that the top of the text will appear on the left margin of the page.
 - (e) Documents generally should not be signed on the originals, except

Council acts and Mayor's Orders. Signed originals or copies are not acceptable as substitutes for the signature required on the transmittal form.

- 307.5 Documents on letterhead and documents in the form of letters or memoranda are generally not acceptable for publication in the *District of Columbia Register*.
- 307.6 Except when considered necessary by the Administrator, blank forms for applications, registrations, reports, contracts, and similar items, and the instructions for preparing the forms, may not be published in full. A brief description or list of forms describing the purpose and use of each form, as well as where copies of the form(s) may be obtained (website address, telephone number, etc.), may be submitted for publication.
- 307.7 After a document has been submitted for publication, a substantive error in the text may be corrected only by the filing of another document making the correction. Pending the receipt of the corrected document, the Office of Documents should be informed by telephone or email to dcdocuments@dc.gov of the need to withhold publication pending the submission of the corrected document.
- 307.8 If a document has been adopted by a legislative or quasi-legislative body in session, substantive or technical errors in the documents as adopted will not be corrected by the Office of Documents and Administrative Issuances unless the correction is approved by the body in public session or the correction is made pursuant to the lawful adopted procedural rules of the body.
- 307.9 All documents submitted for publication in the *District of Columbia Register* shall be submitted at <http://dcregs.dc.gov>. Anyone wishing to submit documents must obtain a username and password from the Office of Documents. The request for a username and password shall be submitted in writing to dcdocuments@dc.gov by an agency liaison. The request shall include the name of the agency, the name of the person with rulemaking authority for the agency, and the contact information for the agency liaison requesting the information and access to the e-rulemaking system. The Administrator or Editor will create the username and password and deliver the information.
- 307.10 The agency drafter shall sign on to the e-rulemaking system with the drafter's individual username and password. Electronic submissions will be taken as a confirmation that the document was submitted by the designated agency drafter. Any submissions not personally executed by the authorized official and submissions by those not legally vested with authority to adopt rules or attest to the adoption of rules by a rulemaking body will not be accepted.
- 307.11 When submitting rulemakings to the Office of Documents for publication in the *District of Columbia Register*:

- a) An executive agency subordinate to the Mayor shall also submit:
- (1) An Office of Policy and Legislative Affairs certification for publication in the *District of Columbia Register*; and
 - (2) An Office of the Attorney General (OAG) legal sufficiency certification (via a Rulemaking Transmittal Form).

The OPLA Certification and OAG Legal Sufficiency Certification shall be submitted to the Office of Documents' email address, dcdocuments@dc.gov, in compliance with § 306.11 herein.

- b) An independent agency shall also submit a Rulemaking Transmittal Form that contains the signature of Agency General Counsel certifying that the substance of the text of the rule(s) has been reviewed and is, in the opinion of General Counsel, legally sufficient. The signed Rulemaking Transmittal Form shall be submitted to the Office of Documents' email address, dcdocuments@dc.gov, in compliance with § 306.11 herein.

- 307.12 Certification of legal sufficiency, by the Office of the Attorney General or Agency General Counsel, must be included with all rulemaking actions. Certification of proposed rules may be conditioned upon review of final rules. If the substance of proposed rules for which final certification has been given is not modified prior to final rulemaking action, the final rules do not require duplicate certification.
- 307.13 Certification of the form and contents of notices of proposed, final, and emergency rulemaking shall be made by the Office of Documents, pursuant to the provisions of §§ 309 through 311 of this chapter.
- 307.14 The Administrator will not certify and publish rulemaking notices in the *District of Columbia Register* unless it is clear that the promulgator of the rule or proposed rule named on the electronic submission has legal authority to issue the rules.
- 307.15 RESERVED.
- 307.16 In each instance where a document submitted for publication is rejected, pursuant to § 305.5 (formatting), the Office of Documents shall issue a notice of rejection which shall indicate the reason(s) for rejection. The notice of rejection shall be issued as soon as possible after review of the document.
- 307.17 An agency may request reconsideration of the rejection of any document for publication in the *District of Columbia Register* by submitting a written request for reconsideration to the Administrator stating the reasons why the document should be published as submitted. The Office of Documents will respond to each request for reconsideration in writing within two (2) business days of the receipt of the request.

307.18 If a rulemaking notice is rejected and subsequently submitted in corrected form, it must be accompanied by a new transmittal form executed in accordance with this section.

308 PRE-PUBLICATION REVIEW OF DOCUMENTS

308.1 Agencies are encouraged to submit final drafts of rulemaking documents and other documents subject to codification in the *District of Columbia Municipal Regulations* or publication in the *District of Columbia Register* to the Office of Documents and Administrative Issuances for pre-publication review in accordance with the provisions of this section.

308.2 The purpose of pre-publication review is to provide agencies with assistance and guidance in the application of the provisions of this chapter to specific documents while the documents are in the “final draft” stage. Agencies should consider submitting documents for pre-publication review that are lengthy (*i.e.*, 25 pages or more) or complex. The review process is not intended to be a substitute for agency preparation of the substance of documents in compliance with the provisions of this chapter; therefore, “rough” drafts and drafts that contain gross errors of grammar, format, and style will not be accepted for review.

308.3 Documents that have been reviewed prior to adoption or approval as proposed rulemaking will generally not require additional review prior to certification and publication in the *District of Columbia Register*. Pre-publication review should also greatly reduce the possibility that a document will be rejected for publication due to lack of compliance with the publication standards set forth in this chapter.

308.4 Documents submitted for pre-publication review should be in the same form as required for submission for publication; however, originals should not be submitted for review. Text which is double or triple-spaced will not be accepted for pre-publication review.

308.5 The pre-publication review process will include examination and recommendations on the following elements:

- (a) Numbering of chapters, sections, and paragraphs;
- (b) Grammar, usage, and other matters of style;
- (c) Format of notices and text;
- (d) Contents of draft notices;
- (e) General readability and organization text; and

(f) Compliance with the provisions of this chapter.

308.6 Every attempt will be made to complete the review process expeditiously; however, in cases where the drafts are lengthy (*i.e.*, 25 pages or more) and complex, agencies should allow *at least* two (2) weeks for review of final drafts.

308.7 The Administrator may treat a document submitted for publication in the *District of Columbia Register* that has been rejected under § 301.5 as a document submitted for pre-publication review under this section.

309 NOTICES OF PROPOSED RULEMAKING

309.1 A Notice of Proposed Rulemaking that is submitted for publication, including rulemakings that give notice of intent to adopt a new rule, amend an existing rule, or repeal an existing rule, shall be filed in accordance with the provisions of this section, and any other applicable provisions of this chapter.

309.2 The heading of each proposed rulemaking document shall state, in bold type and upper case print, the name of the agency promulgating the proposed rule and the phrase “NOTICE OF PROPOSED RULEMAKING.” Second, third, or fourth publication of the same Proposed Rulemaking shall be titled “Notice of (Second) Proposed Rulemaking”, etc.

309.3 The text of the proposed rule(s) shall be preceded by a notice that shall contain the following:

- (a) The name of the promulgating official or body authorized to issue the rule(s), citation to the Act, law or Mayor’s Order, authorizing the agency to promulgate the rule(s) in the Notice of Proposed Rulemaking;
- (b) A citation to the rule(s) being amended or repealed or the proposed citation of the new rule(s);
- (c) A statement of intent to adopt, amend, or repeal the rule(s) in not less than thirty (30) days from the date of publication of the notice in the *District of Columbia Register*. A longer period may be stated if required by law or adopted by the agency;
- (d) A brief description and title of the proposed rule(s), including the purpose of the Proposed Rulemaking or why it is being amended; and
- (e) If the Notice of Proposed Rulemaking is being re-published, pursuant to § 310.5, a citation to the previous Notice(s) of Proposed Rulemaking published in the *District of Columbia Register*.

- 309.4 The text of the proposed rule(s) shall be followed by a notice that indicates the following:
- (a) The manner in which public comments will be received, including an email address, telephone number, and other pertinent information;
 - (b) The manner in which a copy of the proposed rule(s) may be obtained, upon request, including a requirement for payment of a reasonable fee, if applicable; and
 - (c) The date the comment period begins, unless otherwise specified, the date of publication of a proposed rule, generally thirty (30) days.
- 309.5 In the event there are substantive changes to a Notice of Proposed Rulemaking, the rulemaking must be republished in full as a proposed rulemaking for a length of time determined by the Administrator, but in no case fewer than seven (7) days, and shall include the information required in § 309.4.
- 309.6 If the last day of the comment period falls on a Saturday, Sunday, or legal holiday, the last day is extended to the next business day.
- 309.7 Proposed rules that are re-submitted for publication, pursuant to § 310.5, shall indicate those portions of the text that have been substantially altered by setting forth the previously published text in brackets [...] and underlining the new text that has been altered; provided, that this requirement shall not apply to a Notice of Proposed Rulemaking which completely supersedes a previously published notice, so long as the rules were never adopted. The new notice shall cite the earlier notice and indicate that it has been superseded.

310 NOTICES OF FINAL RULEMAKING

- 310.1 A Notice of Final Rulemaking that is submitted for publication, including rulemakings that give notice of the adoption of a new rule, the amendment of an existing rule, or the repeal of an existing rule, shall be filed in accordance with the provisions of this section, and any other applicable provisions of this chapter.
- 310.2 The heading of each Notice Final Rulemaking document shall state, in bold type or upper case print, the name of the agency promulgating the rule and the phrase “NOTICE OF FINAL RULEMAKING.”
- 310.3 The text of the final rule(s) shall be preceded by a notice that shall contain the following:
- (a) The name of the promulgating official or body authorized to issue the rule(s), citation to the Act, law or Mayor’s Order, authorizing the agency

to promulgate the rule(s) in the Notice of Final Rulemaking;

- (b) A citation to the rule(s) being amended or repealed or the proposed citation of the new rule(s);
- (c) The title, chapter, and section numbers, and a brief description of the rule(s);
- (d) A citation to the Notice(s) of Proposed Rulemaking previously published in the *District of Columbia Register*;
- (e) The date on which the final action was taken;
- (f) The effective date of the final rule(s). If no effective date is stated, it will be presumed that the rule(s) will become effective on the date of publication of a Notice of Final Rulemaking in the *District of Columbia Register*; and
- (g) Unless otherwise stated in a law or act, the effective date of any rule directly enacted by law or act of the District of Columbia shall be the effective date, as published in a notice in the *District of Columbia Register*, of the law or act that enacts the rule.

310.4 The Administrator may omit publication of the entire text of a Final Rulemaking document if the final text is identical to the text published with the Notice of Proposed Rulemaking.

310.5 If the text of a rulemaking document is substantially altered from the text published with the notice of proposed rulemaking, the promulgating agency must re-submit the text as a proposed rule, pursuant to § 309. An agency does not have to wait the full notice period before re-filing an altered proposed rule. A new notice period begins upon re-publication; provided, however, that the new notice period does not decrease the overall comment period.

310.6 For the purposes of this chapter, “substantial alteration” of the text shall not include the following:

- (a) Re-arrangement or renumbering of portions of the text; provided, however, that such re-arrangement or renumbering does not change the meaning of the text;
- (b) Re-wording to correct errors in format or style; and
- (c) Re-wording of the document, including the addition or deletion of material, that serves to clarify the intent, meaning, or application of the rule(s) and that does not substantially change the intent, meaning, or

application of the proposed rule(s) or exceed the scope of the rule(s) as published with the notice of proposed rulemaking, as determined by the Office of Documents and Administrative Issuances.

311 NOTICES OF EMERGENCY RULEMAKING

- 311.1 A document that is submitted for publication as an Emergency Rulemaking, including any document that purports to adopt a new rule on an emergency basis or amend or repeal an existing rule on an emergency basis, shall be filed in accordance with the provisions of this section, in addition to other applicable provisions of this chapter.
- 311.2 A Notice of Emergency rulemaking may be combined with a Notice of Proposed Rulemaking. Combined notices must meet the requirements of this section and the requirements of § 309.
- 311.3 The heading on each emergency rulemaking document shall state, in bold type and upper case print, the name of the agency promulgating the rule and the phrase “NOTICE OF EMERGENCY RULEMAKING.” A combined notice of emergency and proposed rulemaking shall use the phrase “NOTICE OF EMERGENCY AND PROPOSED RULEMAKING.”
- 311.4 The one hundred twenty (120) day maximum effective period for emergency rules begins on the date of adoption of the rules. A shorter period of effectiveness may be stated in the notice. Emergency rules may take effect on the date of adoption, on the date of publication in the *District of Columbia Register*, or on another date after adoption.
- 311.5 The text of the emergency rule(s) shall be preceded by a notice that shall contain the following:
- (a) The name of the promulgating official or body authorized to issue the rule(s), citation to the Act, law or Mayor’s Order, authorizing the agency to promulgate the rule(s) in the Notice of Emergency Rulemaking;
 - (b) A citation to the rule(s) being amended or repealed or a temporary citation for the new rule;
 - (c) The title, chapter, and section numbers, and a brief description of the rule(s);
 - (d) A statement giving the justification for emergency rulemaking action which clearly explains why the action is necessary for the immediate preservation or promotion of the public peace, health, safety, welfare, or morals;

- (e) The date of adoption of the emergency rule(s) and the effective date of the rule(s);
- (f) The date of expiration of the emergency rule(s);
- (h) If the notice is for combined emergency and proposed rulemaking, it shall include the language required by § 309.3, and the requirements of § 309.4 must be met by the addition of the proper notice to the end of the text of the emergency and proposed rule(s); and
- (i) A combined Notice of Emergency and Proposed Rulemaking shall state that the rule(s) will expire one hundred twenty (120) days after adoption (or a shorter stated period) or upon publication of final rules, whichever occurs first.

312 ***DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS: PUBLICATION POLICY***

- 312.1 The incorporation of existing and future documents in the official compilation of the District of Columbia rules and regulations, the *District of Columbia Municipal Regulations*, shall be governed by the publication policy set forth in this section.
- 312.2 The *District of Columbia Municipal Regulations* shall include every regulation enacted by the District of Columbia Council. These documents are generally known as “Council Regulations.”
- 312.3 The *District of Columbia Municipal Regulations* shall include every act of the elected District of Columbia Council which specifically amends or modifies an existing Council Regulation; which is designated by its provisions as a regulation or amendment to the *District of Columbia Municipal Regulations*; or which has not been codified or scheduled to be codified in the District of Columbia Code. The provisions of this subsection shall not apply to emergency or budget acts of the District of Columbia Council.
- 312.4 The *District of Columbia Municipal Regulations* shall include every document of general applicability and legal effect that is designated for publication in the *District of Columbia Municipal Regulations* by resolution of the District of Columbia Council.
- 312.5 The *District of Columbia Municipal Regulations* shall include every rule, regulation, or document having general applicability and legal effect which was lawfully adopted by the Board of Commissioners of the District of Columbia; the Commissioner of the District of Columbia; or an authorized agency, board, commission, or official of the District of Columbia prior to the effective date of

the District of Columbia Administrative Procedure Act (D.C. Official Code §§ 2-501 *et seq.* (2012 Repl.)).

- 312.6 The *District of Columbia Municipal Regulations* shall include every rule, regulation, or document having general applicability and legal effect promulgated by the Mayor, Commissioner, or any authorized agency, board, commission, or official of the District of Columbia since October 2, 1969, which has been properly adopted and published in accordance with the provisions of §§ 6 and 7 of the District of Columbia Administrative Procedure Act.
- 312.7 All rules, regulations, and documents of general applicability and legal effect incorporated in the *District of Columbia Municipal Regulations* shall reflect all amendments, deletions, and other modifications that have been duly enacted or adopted by the following:
- (a) The District of Columbia Council;
 - (b) The Mayor; or
 - (c) Any authorized agency, board, commission, or official of the District of Columbia.

313 *DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS: STRUCTURE AND FORMAT*

- 313.1 The major divisions of the *District of Columbia Municipal Regulations* are titles, each of which brings together broadly related rules and regulations by subject matter categories.
- 313.2 Titles of the *District of Columbia Municipal Regulations* are designated by the Office of Documents and Administrative Issuances. Assignment of rules and regulations to the various titles of the *District of Columbia Municipal Regulations* by the Office of Documents and Administrative Issuances will be based on the structure set forth in § 313.3.
- 313.3 The structure of the *District of Columbia Municipal Regulations* is the following:
- 1 MAYOR AND EXECUTIVE AGENCIES**
 - 3 ELECTIONS AND ETHICS**
 - 4 HUMAN RIGHTS AND RELATIONS**
 - 5 EDUCATION**
 - 5-A OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
 - 5-B DISTRICT OF COLUMBIA PUBLIC SCHOOLS

- 5-C CHARTER SCHOOLS
- 5-D SCHOOL MAINTENANCE
- 5-E ORIGINAL TITLE 5
- 6 PERSONNEL**
 - 6-A POLICE PERSONNEL
 - 6-B GOVERNMENT PERSONNEL
- 7 EMPLOYMENT BENEFITS**
- 8 HIGHER EDUCATION**
 - 8-A DISTRICT OF COLUMBIA SCHOOL OF LAW
 - 8-B UNIVERSITY OF THE DISTRICT OF COLUMBIA
- 9 TAXATION AND ASSESSMENTS**
- 10 PLANNING AND DEVELOPMENT**
 - 10-A COMPREHENSIVE PLAN
 - 10-B PLANNING AND DEVELOPMENT
 - 10-C HISTORIC PRESERVATION
- 11 ZONING**
- 12 CONSTRUCTION CODES SUPPLEMENT OF 2013**
 - 12-A BUILDING CODE SUPPLEMENT OF 2013
 - 12-B RESIDENTIAL CODE SUPPLEMENT OF 2013
 - 12-C ELECTRICAL CODE SUPPLEMENT OF 2013
 - 12-D FUEL GAS CODE SUPPLEMENT OF 2013
 - 12-E MECHANICAL CODE SUPPLEMENT OF 2013
 - 12-F PLUMBING CODE SUPPLEMENT OF 2013
 - 12-G PROPERTY MAINTENANCE CODE SUPPLEMENT OF 2013
 - 12-H FIRE CODE SUPPLEMENT OF 2013
 - 12-I ENERGY CONSERVATION CODE SUPPLEMENT OF 2013
 - 12-J EXISTING BUILDING CODE SUPPLEMENT OF 2013
 - 12-K GREEN CONSTRUCTION CODE SUPPLEMENT OF 2013
 - 12-L SWIMMING POOL AND SPA CODE SUPPLEMENT OF 2013
 - 12-M FEES
- 13 SIGN REGULATIONS**
- 14 HOUSING**
- 15 PUBLIC UTILITIES AND CABLE TELEVISION**

- 16 CONSUMERS, COMMERCIAL PRACTICES AND CIVIL INFRACTIONS**
- 17 BUSINESS, OCCUPATIONS AND PROFESSIONS**
- 18 VEHICLES AND TRAFFIC**
- 19 AMUSEMENTS, PARKS AND RECREATION**
- 20 ENVIRONMENT**
- 21 WATER AND SANITATION**
- 22 HEALTH**
 - 22-A MENTAL HEALTH
 - 22-B PUBLIC HEALTH AND MEDICINE
 - 22-C MEDICAL MARIJUANA
- 23 ALCOHOLIC BEVERAGES**
- 24 PUBLIC SPACE AND SAFETY**
- 25 FOOD OPERATIONS AND COMMUNITY HYGIENE FACILITIES**
 - 25A FOOD AND FOOD OPERATIONS
 - 25-B FOOD PROCESSING OPERATIONS CODE
 - 25-C SWIMMING POOL AND SPA REGULATIONS
 - 25-D MASSAGE ESTABLISHMENT AND HEALTH SPA FACILITY REGULATIONS
 - 25-E BARBERING, COSMETOLOGY, AND PERSONAL GROOMING FACILITY REGULATIONS
 - 25-F TANNING FACILITY REGULATIONS
 - 25-G TATTOO, BODY ART, AND BODY-PIERCING FACILITY REGULATIONS
 - 25-H BEDDING AND UPHOLSTERED FURNITURE
 - 25-I HEALTH NUISANCES, RODENT AND VECTOR CONTROL REGULATIONS
 - 25-J ANIMAL WELFARE AND FACILITY REGULATIONS
- 26 INSURANCE, SECURITIES, AND BANKING**
 - 26-A INSURANCE
 - 26-B SECURITIES
 - 26-C BANKING AND FINANCIAL INSTITUTIONS
 - 26-D HEALTH BENEFIT EXCHANGE

- 27 **CONTRACTS AND PROCUREMENT**
- 28 **CORRECTIONS, COURTS AND CRIMINAL JUSTICE**
- 29 **PUBLIC WELFARE**
- 30 **LOTTERY AND CHARITABLE GAMES**
- 31 **TAXICABS AND PUBLIC VEHICLES FOR HIRE**

- 313.4 Subtitles may be assigned by the Office of Documents and Administrative Issuances to group chapters within a title by specific subject matter or agency. Specific chapters grouped within a subtitle may be made available to the public separately by subtitle.
- 313.5 A title may be divided in two ways. First, if there are large sub-sections of each title, the Office of Documents and Administrative Issuances may determine that new titles should be formed. Second, in the alternative, the Office of Documents may advise the agency to create subtitles. However, if there are many smaller subsections of each title, the Office of Documents may advise the agency to create chapters. Subtitles and chapters are assigned or approved by the Office of Documents on the basis of subject matter. Each chapter or subtitle shall have a descriptive heading.
- 313.6 The divisions of each chapter are SECTIONS. Each section shall consist of a body of rules that covers a specific, closely related segment of the chapter's subject matter. Each section shall have a descriptive heading.
- 313.7 The major divisions of each section are SUBSECTIONS. Subsections are the basic units of the *District of Columbia Municipal Regulations*. Each subsection shall contain a single, specific requirement, provision, or a declarative statement of policy. Generally, subsections consist of one sentence or, occasionally, two (2) or three (3) sentences. Subsections do not have descriptive headings.
- 313.8 Subsections may include PARAGRAPHS and SUBPARAGRAPHS that set forth lists, examples, or subdivisions of the specific provision set forth in the subsection. Paragraphs and subparagraphs shall not be used in place of separate subsections.
- 313.9 The various divisions of the *District of Columbia Municipal Regulations* shall be designated in the following manner:
- (a) TITLES - Consecutively in Arabic numerals in accordance with the structure set forth in this section (1, 2, 3, ...);
 - (b) SUBTITLES - Consecutively in uppercase Arabic letters immediately following the title (1-A DCMR , 6-B DCMR , ...);

- (c) CHAPTERS - Consecutively in Arabic numerals throughout each title (1, 2, 3);
- (d) SECTIONS - Consecutively in Arabic numerals throughout each chapter (100, 101, 102, ... 3420, 3421, 3422, ...);
- (e) SUBSECTIONS - Consecutively in Arabic numerals throughout each section (106.1, 106.2, 106.3, ... 106.15, 106.16, ...);
- (f) PARAGRAPHS - Consecutively in lower case Arabic letters set within parenthesis (106.1(a), 106.1(b), 106.1(c) ...); and
- (g) SUBPARAGRAPHS - In outline style, as follows: (1), (2), (3), ... (1)(A), (1)(B), (1)(C), ... (1)(A)(i), (1)(A)(ii), (1)(A)(iii). Subparagraphs are rarely used in the *District of Columbia Municipal Regulations*.

313.10 The numbering system of the *District of Columbia Municipal Regulations* can be used to identify the types of divisions contained in a citation. For example: 18-A DCMR § 235.6(a)(4) is Subparagraph (4) of Paragraph (a) of Subsection 235.6 of Section 235 of Chapter 2 of Subtitle A of Title 18 of the DCMR.

All persons desiring to comment on the subject matter of the proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register* to Victor L. Reid, Esq., Administrator, Office of Documents and Administrative Issuances, 441 4th Street, NW, Suite 520 South, Washington, DC 20001. Comments may also be submitted by email to dcdocuments@dc.gov. Individuals wishing to comment by email must include the phrase “Comment to Proposed Rulemaking: Office of Documents Rules” in the subject line. Copies of the proposed rules may be obtained from the Office of Documents and Administrative Issuances at the address set forth above.

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

NOTICE OF PROPOSED RULEMAKING

The Executive Director of the District of Columbia Lottery and Charitable Games Control Board, pursuant to the authority set forth under Section 4 of 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 (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 intent to adopt the following amendments to Chapters 5 (General Provisions), 6 (Claims and Prize Payments), 9 (Description of On-Line Games) and Chapter 99 (Definitions) of Title 30 (Lottery and Charitable Games) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking implements the new nationwide Multi-State Lottery Association (MUSL) game called MONOPOLY MILLIONAIRES' CLUB™, pursuant to the MUSL MONOPOLY MILLIONAIRES' CLUB™ Rules. The game rules are effective at the October 19, 2014 game launch.

The Executive Director gives notice of his intent to take final rulemaking action to adopt the amendments in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Title 30, LOTTERY AND CHARITABLE GAMES, of the DCMR is amended as follows:

Section 501, PERSONS INELIGIBLE TO PURCHASE TICKETS, of Chapter 5, GENERAL PROVISIONS, is amended by adding subsection (d) to read as follows:

- (d) Any officer, employee or director of Hasbro, Inc. is ineligible to purchase, play or participate in the MONOPOLY MILLIONAIRES' CLUB™ game and the Monopoly Millionaire's Club® television game show ("MONOPOLY TV SHOW").

Subsection 503.4 of Section 503, CANCELLED TICKETS, of Chapter 5, GENERAL PROVISIONS, is amended by substituting the following:

- 503.4 A ticket for POWERBALL®, MEGA MILLIONS®, KENO, Hot Lotto, Sizzler, DC Daily 6, Rolling Cash 5, Quick Cash, and HOT FIVE, and MONOPOLY MILLIONAIRES' CLUB™ shall not be voided or cancelled.

Subsection 605.1 of Section 605, ON-LINE LOTTERY TICKET VALIDATION, of Chapter 6, CLAIMS AND PRIZE PAYMENTS, is amended by adding the following:

- 605.1 (h) MONOPOLY MILLIONAIRES' CLUB™ play slip shall have four (4) individual groups prescribed numbers each associated with "Game A," "Game B," "Game C," and "Game D."
- (i) The MONOPOLY MILLIONAIRES' CLUB™ tickets meet all the rules for validation pursuant to the MUSL Monopoly Millionaire's Club® Product Group Rules.

Section 606, ANNUITIZED PRIZES, of Chapter 6, CLAIMS AND PRIZE PAYMENTS, is amended by adding the following subsection:

- 606.10 The MONOPOLY MILLIONAIRES' CLUB™ annuitized prize shall be paid in thirty (30) graduated payments (increasing each year) by a rate determined by the MUSL Product Group. The initial payment shall be paid upon completion of all validation procedures. The subsequent twenty-nine (29) payments shall be paid annually on the anniversary date of the draw or if such date falls on a non-business day, then the first business day following the anniversary date of the selection of the Top Prize winning numbers.

Add a new Section 970, DESCRIPTION OF THE MONOPOLY MILLIONAIRES' Club™, to Chapter 9, DESCRIPTION OF ONLINE GAMES, to read as follows:

970 DESCRIPTION OF THE MONOPOLY MILLIONAIRES' Club™

- 970.1 MONOPOLY MILLIONAIRES' CLUB™ is a five (5) out of fifty-two (52) plus one (1) out of twenty-eight (28) lottery draw game, which pays the Jackpot Prize at the election of the player as provided in this Title either on an annuitized pari-mutuel basis or as a cash lump sum payment of the total cash held for this prize pool on a pari-mutuel basis. Except as provided in these rules, all other prizes are paid on a fixed cash basis.
- 970.2 Only when a Jackpot Prize has been won in a MONOPOLY MILLIONAIRES' CLUB™ drawing, a second drawing will be held to select Monopoly Club Prize winning tickets. At the start of each new MONOPOLY MILLIONAIRES' CLUB™ roll cycle, ten (10) Monopoly Club Prizes will be available. As determined by the Product Group, more Monopoly Club Prizes may be added, during the roll cycle, with each drawing until the Jackpot Prize is won and the

Monopoly Club Prizes are drawn.

- 970.3 MONOPOLY MILLIONAIRES' CLUB™ and Monopoly Club Prize drawings shall use random number generators, and otherwise shall be determined by the Product Group.
- 970.4 All Monopoly Club prizes and MONOPOLY MILLIONAIRES' CLUB™ set prizes (all prizes except the Jackpot prize) are paid as a single payment.
- 970.5 To play Monopoly Millionaires' Club™, a player shall select, or use Quick Pick to choose, five (5) different numbers from one (1) through fifty-two (52); the additional number in the range from one (1) through twenty-eight (28) shall always be a randomly generated Quick Pick number for the second value in the player's selection. The second number may be the same as one of the first five numbers selected by the player. The second number shall be represented on the player's ticket both as a number and as the associated Monopoly game board property. Each play shall also have a unique, non-repeating transactional number associated with that play to be used in determining MONOPOLY Club Prize winning plays, only in the event the Jackpot Prize is won and a separate MONOPOLY Club Prize drawing is held.
- 970.6 Plays and Ticket Purchases. The price of each MONOPOLY MILLIONAIRES' CLUB™ plays shall be five dollars (U.S. \$5.00). There are no sales of multi draw tickets permitted. Each ticket represents only one board of play and Monopoly Property, containing one Millionaires' Club number, one webcode is valid for only one game draw. From time to time, the Executive Director may authorize the sale of MONOPOLY MILLIONAIRES' CLUB™ tickets at a discount for promotional purposes.
- 970.7 MONOPOLY MILLIONAIRES' CLUB™ tickets may be purchased in the District of Columbia only at a licensed location or a D.C. Lottery Agent. No MONOPOLY MILLIONAIRES' CLUB™ ticket purchased outside of the District of Columbia may be presented to a D.C. Lottery Agent for payment or validation.
- 970.8 Claims. A valid ticket shall be the only proof of a game play, and the submission of a valid winning ticket to the Agency or its authorized sales agent shall be the sole method of claiming a prize or prizes. A play slip has no pecuniary or prize value and shall not constitute evidence of ticket purchase or of numbers selected. A terminal-produced paper receipt has no pecuniary or prize value and shall not constitute evidence of ticket purchase or of numbers selected.
- 970.9 Entry of Plays. Plays may only be entered manually using the licensed sales agent

terminal touch screen or by means of a play slip provided by the Agency and hand-marked by the player or by such other means approved by the Agency. Licensed sales agents shall not permit the use of facsimiles of Play slips, copies of play slips, or other materials that are inserted into the terminal's play slip reader that are not approved by the Agency. Licensed sales agents shall not permit any device to be connected to a lottery terminal to enter plays, except as approved by the Agency.

- 970.10 Player Responsibility. It shall be the sole responsibility of the player to verify the accuracy of the game play or plays and other data printed on the ticket. The placing of plays is done at the player's own risk through the licensed sales agent who is acting on behalf of the player in entering the play or plays.
- 970.11 Drawings. MONOPOLY MILLIONAIRES' CLUB™ drawings shall be held every Friday (or such other day of the week as required by the Product Group's MONOPOLY MILLIONAIRES' CLUB™ Game Rules), held at the time(s) and location set out in the MONOPOLY MILLIONAIRES' CLUB™ Product Group Rules.
- 970.12 A given play may win in the Monopoly Millionaires' Club™ drawing, the Monopoly Club Prize drawing (if any), or both drawings.
- 970.13 Prize Pool and Prize Reserve.
- (a) Prize Pool. The prize pool for all prize categories shall consist of fifty percent (50.00%) of each drawing period's sales, after the prize pool accounts and prize reserve accounts are funded to the amounts set by the Product Group.
- (b) Prize Pool Accounts and Prize Reserve Accounts.
- (1) MUSL will deduct an amount up to four percent (4%) of the Agency's MONOPOLY MILLIONAIRES' CLUB™ sales from the MONOPOLY MILLIONAIRES' CLUB™ Top Prize contribution and Millionaires' Club Prize Pool contribution and place in trust in one or more prize pool accounts and prize reserve accounts until the prize pool accounts and the D.C. Lottery Lottery's share of the prize reserve account(s) reach the amounts designated by the Product Group.
- (2) The prize pool accounts established for the MONOPOLY MILLIONAIRES' CLUB™ game include:

- (A) Top Prize and Millionaires' Club Prize Pool (TP&MC Prize Pool), which is used to fund the immediate Top Prize and Millionaires' Club Prizes and shall consist of the Top Prize and Millionaires' Club Prize Pool contributions less amounts to fund the Prize Reserve Account (PRA); and
 - (B) Set Prize Pool Account, which holds the temporary balances that may result from having fewer than expected winning plays in the Set Prize categories. The source of the Set Prize Pool Account is the participating Lotteries' weekly prize contributions less actual Set Prize liability.
- (3) The Prize Reserve Account is established for the MONOPOLY MILLIONAIRES' CLUB™ game, which is used to guarantee the payment of the minimum or starting Top Prize and Millionaires' Club Prizes, guarantee the payment of valid, but unanticipated, Top Prize and Millionaires' Club Prize claims that may result from a system error or other reason, and to fund deficiencies in Set Prize payments (subject to the limitations of this rule).
- (4) Once the prize pool accounts and the Agency's share of the PRA exceed the designated amounts, the excess shall become part of the TP&MC Prize Pool. The Product Group, with review and comment of the MUSL Finance & Audit Committee, may establish a maximum balance for the prize pool accounts and the PRA.
- (5) The Product Group may determine to expend all or a portion of the funds in the PRA and the Set Prize Pool Account: (1) for the purpose of indemnifying the Lotteries in the payment of prizes to be made by the Lotteries, subject to the approval of the MUSL Board; and (2) for the payment of prizes or special prizes in the MONOPOLY MILLIONAIRES' CLUB™ game, limited to Set Prize Pool and prize reserve contributions from Lotteries participating in the special prize promotion, subject to the review and comment of the MUSL Finance and Audit Committee. The prize reserve shares of a Lottery may be adjusted with refunds to the Lottery from the PRA as may be needed to maintain the approved maximum balance and shares of the Lotteries. As approved by the Product Group, any amount remaining in the prize pool accounts or PRA when the Product Group declares the end of the MONOPOLY MILLIONAIRES' CLUB™ game shall be

returned to all Lotteries participating in the accounts after the end of all applicable claim periods of all Lotteries, carried forward to the replacement PRA or expended in a manner as directed by the individual Lotteries in accordance with jurisdictional requirements.

Add a new Section 971, MONOPOLY MILLIONAIRES’ CLUB™ FIXED PRIZE STRUCTURE AND PROBABILITY, to Chapter 9, DESCRIPTION OF ONLINE GAMES, to read as follows:

971 MONOPOLY MILLIONAIRES’ CLUB™ FIXED PRIZE STRUCTURE AND PROBABILITY

971.1 The Top Prize shall be determined on a pari-mutuel basis. The following table sets forth the probability of winning plays and the probable distribution of winning plays in and among each prize category, based upon the total number of possible combinations in MONOPOLY MILLIONAIRES’ CLUB™, and prize pool funding by prize category. Except as otherwise provided for in this rule, all other prizes awarded shall be paid as Set Prizes with the following expected prize payout percentages:

971.2 Winning Play Odds and Prize Funding

| Prize Level | Matches First Set | Matches Second Set | Prize | Odds (1 in) | % Sales* | % Prize Pool |
|-------------|--------------------------|--------------------|-------------|--------------------------------|----------------|--------------|
| 1 | 5 | 1 | Top Prize | 72,770,880.0000 for Top Prizes | 32.2148% ** | 64.4296%** |
| 2 | 5 | 0 | \$100,000 | 2,695,217.7778 | 0.7421% | 1.4841% |
| 3 | 4 | 1 | \$20,000 | 309,663.3191 | 1.2917% | 2.5835% |
| 4 | 4 | 0 | \$500 | 11,469.0118 | 0.8719% | 1.7438% |
| 5 | 3 | 1 | \$250 | 6,731.8113 | 0.7427% | 1.4855% |
| 6 | 2 | 1 | \$25 | 448.7874 | 1.1141% | 2.2282% |
| 7 | 3 | 0 | \$20 | 249.3263 | 1.6043% | 3.2087% |
| 8 | 1 | 1 | \$10 | 81.5977 | 2.4511% | 4.9021% |
| 9 | 0 | 1 | \$7 | 47.4405 | 2.9511% | 5.9021% |
| 10 | 2 | 0 | \$5 | 16.6218 | 6.0162% | 12.0324% |
| 11 | Millionaires’ Club Prize | | \$1 Million | Varies with Sales | Combined | Combined |

| | | | | | |
|--|--|--|--|----------------------|----------------------|
| | | | | with Top Prize %* | with Top Prize %% |
|--|--|--|--|----------------------|----------------------|

* Includes prize reserve and other deductions

** The Level 1 Top Prize and Level 11 Millionaires' Club Prize Pool contributions are combined.

Overall win probability is 1 in 10.0025

| | | |
|-------|---------|-----------|
| Total | 50.000% | 100.0000% |
|-------|---------|-----------|

| | | |
|---------------------------|----------|----------|
| Top Prize & Millionaires' | | |
| Club Prizes | 32.2148% | 64.4296% |

971.3 Player Responsibility. It shall be the sole responsibility of the player to verify the accuracy of the game play or plays and other data printed on the ticket. The placing of plays is done at the player's own risk through the licensed sales agent who is acting on behalf of the player in entering the play or plays.

971.4 The prize money allocated to the Top Prize category shall be divided equally by the number of plays winning the Top Prize.

971.5 Prize Pool Account Rollovers and Carry Forwards.

- (a) Any monies not paid for Top Prize and Millionaires' Club Prizes in the TP&MC Prize Pool following a drawing shall roll over and be added to the TP&MC Prize Pool for the following drawing.
- (b) The Set Prize Pool for prizes of one hundred thousand dollars (\$100,000.00) or less shall be carried forward to subsequent draws if all or a portion of it is not needed to pay the Set Prizes awarded in the current draw.

971.6 Pari-Mutuel Prize Determinations

- (a) If the total of the Set Prizes awarded in a drawing (prize levels 2-10) exceeds the percentage of the prize pool allocated to the Set Prizes, then the amount needed to fund the Set Prizes awarded shall be drawn from the following sources, in the following order: (1) the amount allocated to the Set Prizes and carried forward from previous draws, if any; (2) an amount from the PRA, if available, not to exceed twenty million dollars (\$20,000,000.00) per drawing.

- (b) If, after these sources are depleted, there are not sufficient funds to pay the Set Prizes awarded, then the highest Set Prize shall become a pari-mutuel prize. If the amount of the highest Set Prize, when paid on a pari-mutuel basis, drops to or below the next highest Set Prize and there are still not sufficient funds to pay the remaining Set Prizes awarded, then the next highest Set Prize shall become a pari-mutuel prize. This procedure shall continue down through all Set Prize levels, if necessary, until all Set Prize levels become pari-mutuel prize levels.

971.7 Fund Transfer. On a weekly basis, or as otherwise determined by the Product Group, the Agency will transfer, in trust, an amount as determined by the Product Group to be the Agency's total proportionate share of the MONOPOLY MILLIONAIRES' CLUB™ license and vendor fees, which include the television game show prizes, and studio audience member travel expenses.

971.8 Unclaimed Top Prizes and Millionaires' Club Prizes. All funds to pay a Top Prize or Millionaires' Club Prize that had been collected by the MUSL central office and that went unclaimed shall be returned to the Lotteries in proportion to sales by the Lotteries for the prize(s) in question, after the claiming period set by the Lottery selling the winning ticket expires.

971.9 Prize Payments

(a) Top Prizes

- (1) The Top Prize shall begin at an annuitized amount of fifteen million dollars (\$15,000,000.00) and shall increase following each consecutive drawing in which the Top Prize is not won, except that the annuitized Top Prize amount shall not exceed twenty-five million dollars (\$25,000,000.00) and will remain at this amount for each subsequent drawing until the Top Prize is won. Top Prizes shall be paid as an annuity or a single lump-sum payment. At the time of ticket purchase, a player may select the option for payment of the cash value or annuitized payments of a share of the Top Prize if the play is a winning play. If no payment option is selected by the player, the default payment option will be the cash value option. Selection of the option for payment of the cash value or annuitized payments of a share of the Top Prize if the play is a winning play is a selection made at the time of purchase and is final and cannot be revoked, withdrawn or otherwise changed.

- (2) Shares of the Top Prize shall be determined as provided in section 971.12 of this chapter. A player(s) who elects a single lump-sum payment (cash value payment) shall be paid his/her share(s) in a single cash payment. If individual shares of the cash held to fund an annuity are less than two-hundred and fifty thousand dollars (\$250,000.00), the Agency, in its sole discretion, may elect to pay the holders of tickets with winning plays their share of the funds of the cash pool to fund the annuity prizes as described in section 971.12 of this chapter.
- (3) All annuitized prizes shall be paid annually in thirty (30) payments with the initial payment being made in cash, to be followed by twenty-nine (29) payments funded by the annuity. All annuitized prizes shall be paid annually in thirty (30) graduated payments (increasing each year) at a rate as determined by the Product Group. Prize payments may be rounded down to the nearest one thousand dollars (\$1,000.00). Annual payments after the initial payment shall be made by the Lottery on the anniversary date or if such date falls on a non-business day, then the first business day following the anniversary date of the selection of the Top winning numbers. Funds for the initial payment of an annuitized prize or the single lump-sum cash prize shall be made available by MUSL for payment by the Lottery no earlier than the fifteenth calendar day (or the next banking day if the fifteenth (15) day is a holiday) following the drawing. If necessary, when the due date for the payment of a prize occurs before the receipt of funds in the prize pool account sufficient to pay the prize, the transfer of funds for the payment of the full lump-sum cash amount may be delayed pending receipt of funds from all Lotteries. The identification of the securities to fund the annuitized prize shall be at the sole discretion of the Agency. If the Agency purchases the securities, or holds the prize payment annuity for a Top Prize won in this state, the prize winner will have no recourse against MUSL or any other Lottery for payment of that prize.
- (4) Payment of Prize Payments upon the Death of a Prize Winner. In the event of the death of a prize winner, payments may be made in accordance with 30 DCMR § 610.1.

971.10 Millionaires' Club and Set Prize Payments. All Millionaires' Club Prizes and Set Prizes (all prizes except the Top Prize, whether described as "cash" payment prizes or otherwise) for tickets sold by licensed sales agents in the District of

Columbia and validated according to the Agency's rules shall be paid by the Agency and at the discretion of the Agency by check, warrant, or wire transfer. The Agency may begin paying Millionaires' Club Prizes and Set Prizes after receiving authorization to pay from the MUSL central office.

971.11 Prizes Rounded. Annuitized payments of the Top Prize or a share of the Top Prize may be rounded to facilitate the purchase of an appropriate funding mechanism. Breakage on an annuitized Top Prize win shall be added to the first payment to the verified winner or winners. Set Prizes, which, under this rule, may become single-payment, pari-mutuel prizes, may be rounded down so that prizes can be paid in multiples of whole dollars. Breakage resulting from rounding Set Prizes shall be carried forward to the prize pool for the next drawing.

971.12 Funding of Guaranteed Prizes. The Product Group may offer guaranteed minimum Top Prize amounts, guaranteed minimum numbers of Millionaires' Club winners, minimum increases in the Top Prize amount between drawings, minimum increases in the number of Millionaires' Club winners between drawings, or make other changes in the allocation of prize money where the Product Group finds that it would be in the best interest of the game. If a minimum Top Prize amount or a minimum increase in the Top Prize between drawings is offered by the Product Group, then shares of the Top Prize shall be determined as follows: If there are multiple Top Prize winning plays during a single drawing, each selecting the annuitized option prize, then a winning play's share of the guaranteed annuitized Top Prize shall be determined by dividing the guaranteed annuitized Top Prize by the number of winning plays. If there are multiple Top Prize winning plays during a single drawing and at least one (1) of the Top Prize claimants has elected the annuitized option prize, then the best bid submitted by the MUSL central office's pre-approved qualified brokers shall determine the cash pool needed to fund the guaranteed annuitized Top Prize. If no claimant of the Top Prize during a single drawing has elected the annuitized option prize, then the amount of cash in the Top Prize Pool shall be an amount equal to the guaranteed annuitized amount divided by the average annuity factor of the most recent three (3) best quotes provided by pre-approved qualified brokers submitting quotes. In no case shall quotes be used which are more than two (2) weeks old, and if less than three (3) quotes are submitted, then the MUSL central office shall use the average of all quotes submitted. Changes in the allocation of prize money shall be designed to retain approximately the same prize allocation percentages, over a year's time, as set out in MUSL's MONOPOLY MILLIONAIRES' CLUB™ Game Rules. Minimum guaranteed prizes or increases may be waived if the alternate funding mechanism set out in subsection 971.11 of this Chapter becomes necessary. The annuity factor is determined by the best total securities price obtained through a competitive bid of qualified, pre-

approved brokers made after it is determined that the prize is to be paid as an annuity prize. Neither MUSL, the Product Group, nor the Lotteries shall be responsible or liable for changes in the advertised or estimated annuity prize amount and the actual amount purchased after the prize payment method is actually known to the MUSL central office.

- 971.13 Prize Limited to Highest Prize Won. Except for the Millionaires' Club Prizes, the holder of a winning ticket may win only one (1) prize for that ticket's play and shall be entitled only to the prize won by those numbers in the highest matching prize category. The status of a ticket with a winning play based on a match between the play and the Winning Numbers on that ticket shall have no effect on that ticket's ability to win (if drawn) a Millionaires' Club Prize.
- 971.14 Millionaires' Club Prize. Independent of a ticket's status as an apparent winning ticket due to a match with the Winning Numbers, each ticket in a MONOPOLY MILLIONAIRES' CLUB™ drawing is eligible to win a Millionaires' Club Prize if (and only if), on that game draw, Millionaires' Club Prizes are awarded. If a ticket is a winning play under both drawings, the prize paid shall be the sum of both the Top Prize or Set Prize (Level 2-10 prizes) and the Millionaires' Club Prize. At the start of each new MONOPOLY MILLIONAIRES' CLUB™ roll cycle, ten (10) Millionaires' Club Prizes will be available. As determined by the Product Group, more Millionaires' Club Prizes may be added, during the roll cycle, with each drawing until the Top Prize is won and the Millionaires' Club Prizes are drawn.

Add a new Section 972, MONOPOLY MILLIONAIRES' CLUB™ Television Game Show, to Chapter 9, DESCRIPTION OF ONLINE GAMES, to read as follows:

972 MONOPOLY MILLIONAIRES' CLUB™ Television Game Show

- 972.1 Television Game Show. The Product Group may decide to add a television game show to the MONOPOLY MILLIONAIRES' CLUB™ game. The MONOPOLY MILLIONAIRES' CLUB™ television game show ("TV Show") will be produced at times and places approved by the Product Group for broadcast at times approved by the Product Group.
- 972.2 Basic TV Show Design; Alterations. The basic design of the TV Show shall be as described in this subsection, except that any alteration of the basic design of the TV Show may be approved by the Product Group. Contests played on the TV Show shall be as approved by the Product Group.

- 972.3 Eligibility. Unless otherwise indicated by the Agency, a D.C. Lottery player may become eligible for TV Show studio audience member selection by registering a MONOPOLY MILLIONAIRES’ CLUB™ ticket or tickets with one or more qualifying MONOPOLY game board properties according to the requirements of this game rule.

- 972.4 Members of the studio audience shall be eligible to be selected to participate in MONOPOLY-themed contests on the TV Show. Guests of players who are not proxied by the player to appear as an on-stage participant in the place of the player are not eligible to be selected as an on-stage game participant.

- 972.5 How to Register. To register a MONOPOLY MILLIONAIRES’ CLUB™ ticket for participation in the selection of studio audience members, a D.C. Lottery player must visit the D.C. Lottery’s Players Club section at <http://dclottery.com/memberbenefits.aspx> of the D.C. Lottery website, where the player will be asked to sign into his/her existing Players Club account or open a new account and enter the webcode printed on the MONOPOLY MILLIONAIRES’ CLUB™ ticket. The MONOPOLY game board property on the ticket, together with a randomly generated additional bonus MONOPOLY game board property assigned when the ticket is registered at the Players Club website, will be put in the player’s account. As shown in the following table in Subsection 972.6 of this chapter, for each complete MONOPOLY property group, the player will be awarded a number of entries in a drawing from which studio audience members will be selected.

972.6 Monopoly Property Groups

| MONOPOLY Property Groups | No. of Entries Awarded |
|--|------------------------|
| Mediterranean Avenue & Baltic Avenue | 2 |
| Oriental Avenue & Vermont Avenue & Connecticut Avenue | 4 |
| St. Charles Place & States Avenue & Virginia Avenue | 6 |
| St. James Place & Tennessee Avenue & New York Avenue | 8 |
| Kentucky Avenue & Indiana Avenue & Illinois Avenue | 10 |
| Atlantic Avenue & Ventnor Avenue & Marvin Gardens | 12 |
| Pacific Avenue & North Carolina Avenue & Pennsylvania Avenue | 15 |
| Park Place & Boardwalk | 20 |
| Reading RR & Pennsylvania RR & B&O RR & Short Line RR | 16 |
| Electric Company & Water Works | 10 |

- 972.7 Selection of Studio Audience Members. The Agency (or its authorized designee) shall, from time to time as specified by the Product Group, conduct a promotional drawing from among those MONOPOLY MILLIONAIRES' CLUB™ registered D.C. Lottery's Players Club account holders who have accumulated enough MONOPOLY properties to participate in the drawing. For each drawing, the Agency shall select a minimum of three (3) studio audience participants, each of whom shall be awarded: i) transportation, meals, and lodging expenses for himself or herself and a guest to travel to and return from the TV Show; and ii) the opportunity to be chosen as an on-stage participant on the TV Show and play MONOPOLY-themed contests for prizes.
- 972.8 No transfers; No cash option; Exceptions. A D.C. Lottery player selected to participate as a studio audience member for the TV Show shall not have the right to transfer such selection to another person, except that the Agency, in its sole discretion, may permit or require the player to appoint another person to participate as a studio audience member (a proxy), subject to player eligibility requirements set by the Agency. If the player selects, or the Agency requires, a proxy to participate as a studio audience member in his/her place, the transportation, meals, and lodging expenses, together with any prize(s) awarded as a result of participation in the studio audience or in a contest on the TV Show shall be deemed to be received by the player initially selected to participate, not the proxy. Nothing in this rule requires the Agency to permit studio audience members to appoint a replacement to attend the TV Show taping. A player selected to participate as a studio audience member for the TV Show shall not have the right to decline the payment of expenses for transportation, meals, and lodging in exchange for a sum of money equivalent to the value of such expenses. The Agency, in its sole discretion, may select another player to attend the TV show taping should the player initially selected to participate in the studio audience decline the invitation or be determined to be ineligible to claim such prize under District Law and or this Title. Nothing in this rule requires the Agency to offer a cash option in lieu of the opportunity to attend the TV Show.

Section 9900, DEFINITIONS, of Chapter 99, DEFINITIONS, is amended by adding the following terms and definitions:

MONOPOLY MILLIONAIRES' CLUB™ TOP PRIZE - means the top prize available for the MONOPOLY MILLIONAIRES' weekly drawing for the online game. (*See* 30 DCMR § 972.2)

MILLIONAIRES' CLUB PRIZE - means a single payment prize (*See* 30 DCMR § 972.1) with a value of one million dollars (\$1,000,000.00). Only

when a Top Prize has been won in a MONOPOLY MILLIONAIRES' CLUB™ drawing, a second drawing will be held to select Millionaires' Club Prize winning tickets.

MUSL MONOPOLY MILLIONAIRE CLUB® PRODUCT GROUP RULES

- The agreement and rules regarding the MONOPOLY MILLIONAIRES' CLUB™ game and MUSL, or any subsequent amended version of the MUSL MONOPOLY MILLIONAIRES' CLUB™ Product Group Rules.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Antar Johnson, Senior Counsel, Lottery and Charitable Games Control Board, 2101 Martin Luther King, Jr., Avenue, S.E., Washington, D.C. 20020, or e-mailed to antar.johnson@dc.gov, or filed online at www.dcregs.gov. Additional copies of these proposed rules may be obtained at the address stated above.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c)(1), (2), (3), (4), (5), (7), (10), (12), (13), (17), (18), (19); 14, 20, 20a and 20f of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(1), (2), (3), (4), (5), (7), (10), (12), (13), (17), (18), (19), 50-313, 50-319, 50-320 and 50-325 (2012 Repl. & 2014 Supp.)) hereby gives notice of its intent to amend Chapter 18 (Wheelchair Accessible Paratransit Taxicab Service) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (“DCMR”).

The proposed rules would implement two minor changes to the Coordinated Alternative to Paratransit Services – DC (“CAPS-DC”) Pilot Program between the Government of the District of Columbia and the Washington Metropolitan Area Transit Authority (“WMATA”), established by Title 31 DCMR Chapter 18. First, the rules implement disposal requirements for WMATA vans following use in the CAPS-DC program, and second, the rules clarify the priority order of service and applicable fares for CAPS-DC passengers, wheelchair accessible passengers, and other passengers.

The Commission voted to adopt these rules as proposed on August 6, 2014. The Commission also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register*. Directions for submitting comments may be found at the end of this notice.

The Commission amends Chapter 18, WHEELCHAIR ACCESSIBLE PARATRANSIT TAXICAB SERVICE, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, as follows:

Section 1806, TAXICAB COMPANIES AND OPERATORS – OPERATING REQUIREMENTS, is amended as follows:

Subsection 1806.5, paragraphs (c) and (d) are amended to read as follows:

- (c) A WMATA van shall not be replaced until on or after October 1, 2015, after which time it shall be replaced as required by paragraph (a), and consistent with any additional terms and conditions imposed by the Commission based on total participation in the pilot program during Fiscal Year 2014, District-wide demand for wheelchair service, the need for wheelchair accessible vehicles in future programs targeted to serve underserved areas of the District, and other lawful and appropriate considerations under the Act. A WMATA van eligible for transfer from a company to a third party shall be transferred only in compliance with all terms and conditions of the grant provided by the Office for its acquisition, and shall not be transferred for more than nominal consideration.

- (d) A company that fails to comply with the requirements of paragraphs (a)-(c) shall be subject to suspension or revocation of its CAPS-DC approval, and may be required to refund to the Office any grant provided to the company for the acquisition of WMATA vans.

Subsection 1806.13 is amended to read as follows:

1806.13 Each company shall provide service using its WMATA vans in accordance with the following requirements:

- (a) WMATA vans shall be used to provide service in the following descending order of priority to the extent permitted by all applicable laws:
 - (1) A CAPS-DC passenger, for which the fare shall be consistent with § 1806.10;
 - (2) Any passenger requesting a wheelchair accessible vehicle, for which the fare shall be consistent with the provisions of Chapter 8; and
 - (3) Any other passenger, for which the fare shall be consistent with the provisions of Chapter 8.
- (b) When a WMATA van is used to provide a group ride which meets the requirements of § 801.8 from a hotel located in the District to an airport, an additional charge of one dollar (\$1.00) per ride (not per passenger) shall be added to the total fare.

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

DISTRICT DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

The Director of the District Department of Transportation (DDOT), pursuant to the authority in Sections 4(5)(A) (assigning authority to coordinate and manage public space permits and records to the Department Director), 5(3)(D)(i) and (iii) (allocating and regulating on-street parking), and 5(4)(A) (assigning duty to review and approve public space permit requests to the Department Director) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.03(5)(A), 50-921.04(3)(D)(i) and (iii), and 50-921.04(4)(A) (2012 Repl.)), and Sections 6(a)(6) and 6(b) of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code §§ 50-2201.03(a)(6), and (b) (2012 Repl. & 2014 Supp.)), hereby gives notice of this proposed action to adopt rules that amend Chapter 24 (Stopping, Standing, Parking, and Other Non-Moving Violations) and Chapter 99 (Definitions) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The proposed rules will clarify and update the references to the temporary home health care provider parking permit and the temporary visitor parking permit, establish and update the references to an annual visitor parking pass (VPP) program for Wards 1, 3, 4, 5, 6, 7, and 8 and Advisory Neighborhood Commission (ANC) 2F, describe the process for other ANCs in Ward 2 to request inclusion into the VPP program, describe the process for residents to obtain an annual visitor parking pass, limit the use of the VPP program to the ANC, and define the terms Annual Visitor Parking Pass, Housing Unit, Temporary Home Health Care Provider Parking Permit, and Temporary Visitor Parking Permit.

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

Chapter 24, STOPPING, STANDING, PARKING, AND OTHER NON-MOVING VIOLATIONS, of Title 18, VEHICLES AND TRAFFIC, of the DCMR is amended as follows:

Section 2411, RESIDENTIAL PERMIT PARKING, is amended as follows:

Subsection 2411.25(a)(4) is repealed.

Section 2414, VISITOR OR TEMPORARY PERMITS, is amended to read as follows:

PART A: TEMPORARY HOME HEALTH CARE PROVIDER PARKING PERMITS

2414.1 The Director may issue a temporary home health care provider parking permit, valid for a period of up to sixty (60) days, for temporary use warranted by a resident's medical necessity.

2414.2 A temporary home health care provider parking permit may be issued for a zone even though the motor vehicle displays a residential permit parking sticker for another zone.

2414.3 The forgery, counterfeiting, or unauthorized use or replication of a temporary home health care provider parking permit shall be punishable by a fine of three hundred dollars (\$300).

2414.4 RESERVED

PART B: TEMPORARY VISITOR PARKING PERMITS

2414.5 The Chief of Police may issue a temporary visitor parking permit valid for a period of up to fifteen (15) days to visitors at an address on a residential permit parking block.

2414.6 A temporary visitor parking permit shall be valid on a commercial vehicle only while the operator of the vehicle is actually involved in the performance of construction, maintenance, repair, or reconstruction work at an address on a residential permit parking street.

2414.7 A temporary visitor parking permit may be issued for a zone even though the motor vehicle displays a residential permit parking sticker for another zone.

2414.8 The forgery, counterfeiting, or unauthorized use or replication of a temporary visitor parking permit shall be punishable by a fine of three hundred dollars (\$300).

PART C: ANNUAL VISITOR PARKING PASS

2414.9 An annual visitor parking pass (“VPP”) program is hereby established by the District Department of Transportation (“DDOT”) in the following areas of the District (the “VPP program area”):

- (a) Wards 1, 3, 4, 5, 6, 7, and 8; and
- (b) Advisory Neighborhood Commission 2F.

2414.10 Additional Advisory Neighborhood Commission areas in Ward 2 may be added to the annual VPP program area if:

- (a) The Advisory Neighborhood Commission, by resolution, votes to request that DDOT add the Advisory Neighborhood Commission area to the annual VPP program area; and

- (b) DDOT adds the Advisory Neighborhood Commission area to the annual VPP program by rulemaking.
- 2414.11 Each housing unit located on a residential permit parking block or an ERPP block as defined by Subsection 2411.25 in the VPP program area shall be eligible to receive one (1) annual visitor parking pass.
- 2414.12
 - (a) Each annual visitor parking pass shall authorize a person using the pass to park a vehicle only in the Advisory Neighborhood Commission area designated on the pass.
 - (b) The Advisory Neighborhood Commission area designated on the annual visitor parking pass shall be the geographic area of the Advisory Neighborhood Commission in which the housing unit for which the pass is issued is located.
- 2414.13 Each annual visitor parking pass shall be valid during a single calendar year (from January 1 through December 31). The calendar year shall be designated on the pass.
- 2414.14 A person's use of the annual visitor parking pass shall be valid only if:
 - (a) The pass is clearly displayed on the driver side of the vehicle dashboard;
 - (b) The vehicle is parked in the Advisory Neighborhood Commission area designated on the pass;
 - (c)
 - (1) The person using the pass is a guest of a resident in the Advisory Neighborhood Commission area designated on the pass; or
 - (2) If the pass is displayed on a commercial vehicle, the operator of the vehicle is actually involved in the performance of construction, maintenance, repair, or reconstruction work at an address in the Advisory Neighborhood Commission area designated on the pass; and
 - (d) The vehicle is parked in a location where it would be valid for a vehicle with a residential permit parking sticker to be parked.
- 2414.15 In order to obtain an annual visitor parking pass, a resident from an eligible housing unit shall:
 - (a) Submit an application, either online or over the phone, in a format provided by DDOT; and
 - (b) Provide confirmation of District residency.

- 2414.16 After approval of an application by DDOT, DDOT shall mail the annual visitor parking pass to the address on the application.
- 2414.17 An annual visitor parking pass may be used in an Advisory Neighborhood Commission area even though the motor vehicle displays a residential permit parking sticker for another zone.
- 2414.18 The forgery, counterfeiting, sale, exchange for value, or unauthorized use or replication of an annual visitor parking pass shall be punishable by a fine of three hundred dollars (\$300).

Chapter 99, DEFINITIONS, is amended as follows:

Section 9901, DEFINITIONS, is amended as follows:

New definitions are added to read as follows:

Annual Visitor Parking Pass -- a visitor permit valid for an entire calendar year.

Housing Unit -- a single family home (attached, semi-detached, or detached), a residential unit in a condominium, a residential cooperative unit, a residential unit in a flat, or a residential apartment in an apartment building.

Temporary Home Health Care Provider Parking Permit -- a temporary permit valid for up to sixty (60) days, for the temporary use warranted by a resident's medical necessity.

Temporary Visitor Parking Permit -- a visitor permit valid for up to fifteen (15) days.

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

OFFICE OF ADMINISTRATIVE HEARINGS

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Acting Chief Administrative Law Judge of the Office of Administrative Hearings (OAH), pursuant to the authority set forth in Sections 8(a)(7) and 8(b)(7) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code §§ 2-1831.05(a)(7) and (b)(7) (2012 Repl.)), hereby gives notice on an emergency basis of adoption of the following amendments to Chapter 28 (Office of Administrative Hearings Rules of Practice and Procedure), of Title 1 (Mayor and Executive Agencies) of the District of Columbia Municipal Regulations (DCMR).

This emergency rulemaking is necessary to promote the public peace, safety, and welfare by providing for representation of taxicab operators and companies who are charged with violations of regulations issued by the District of Columbia Taxicab Commission. Because OAH is already hearing these cases, immediate implementation of this rule is necessary.

The emergency rules were adopted August 22, 2014, and became effective on that date. The rules shall remain in effect for up to one hundred and twenty (120) days, until December 20, 2014, unless earlier superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Acting Chief Administrative Law Judge also gives notice of intent to take final rulemaking action to adopt this rule in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Chapter 28 (Office of Administrative Hearings Rules of Practice and Procedure), of Title 1 (Mayor and Executive Agencies) is amended as follows:

Section 2835 (Representation by Non-Attorneys) is amended by adding the following subsection:

2835 REPRESENTATION BY NON-ATTORNEYS

2835.15 An authorized agent whose usual business involves providing representation of persons or entities in cases arising under Title 31 of the District of Columbia Municipal Regulations (Taxicabs and Public Vehicles for Hire) may represent any party in cases before OAH arising under Title 31.

Comments on these rules should be submitted in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register* via e-mail to Matipa.Mutsemi@dc.gov, or by mail to the Office of Administrative Hearings, 441 Fourth Street, NW, Suite 450 North, Washington, DC 20001, Attn: Matipa Mutsemi, Attorney-Advisor, or on-line at www.dcregs.dc.gov, or as an attachment to the filing form at www.oah.dc.gov. Copies of this emergency and proposed rulemaking may be obtained from the above address.

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

The Chief Procurement Officer (“CPO”) of the Office of Contracting and Procurement, pursuant to the authority set forth in Section 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-361.06 (2012 Repl.)), hereby gives notice of the adoption, on an emergency basis, of an amendment to Section 3205 of Chapter 32 (Contract Financing and Funding) of Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations (“DCMR”).

The purpose of this amendment is to add a new paragraph (r) to Subsection 3205.1, which permits the CPO to authorize advance payments to the Washington Hospitality Foundation (“Foundation”) to manage and operate the Hospitality High School of Washington, D.C. (“HHS”) for the academic year 2014-2015.

The Foundation, which has operated HHS as a public charter school for the past fifteen (15) years, elected not to renew its charter. The Foundation has agreed to manage and operate HHS for the academic year 2014-2015, after which the District of Columbia Public Charter Schools will operate HHS. The Foundation requires advance payments at the beginning of each quarter to fund its operation of HHS. The first quarter of academic year 2014-2015 begins in July 2014; therefore adoption of these emergency rules is necessary for the immediate preservation and promotion of public safety and welfare.

The emergency rules will remain in effect for up to one hundred twenty (120) days from July 22, 2014, the date of their adoption, and will expire on November 19, 2014 or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

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

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

- (r) Notwithstanding subparagraphs (a) through (g) above, the contracting officer may authorize advance payments to the Washington Hospitality Foundation to manage and operate the Hospitality High School of Washington, D.C. for the academic year 2014-2015.

All persons who desire to comment on these emergency and proposed rules should submit comments in writing to the Chief Procurement Officer, 441 4th Street, 700 South, Washington, D.C. 20001, or by email to OCPRulemaking@dc.gov. All comments must be received no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. A copy of this rulemaking may be requested at the same address and e-mail as above, or by calling (202) 727-0252.

DEPARTMENT OF HEALTH

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in Section 1 of An Act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases, approved August 11, 1939 (53 Stat. 1408, Ch. 691, § 1; D.C. Official Code § 7-131(2012 Repl.)), and Section 2 of Mayor's Order 98-141, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 2 (Communicable and Reportable Diseases) of Subtitle B (Public Health & Medicine) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR), on an emergency basis.

The emergency and proposed rule revises the requirements for maintaining students in school, and returning them to school, after having been diagnosed with a communicable disease.

Emergency rulemaking action is necessary to help prevent the spread of communicable diseases contracted by students.

The Director adopted this emergency rule on August 5, 2014. The emergency rule shall take effect on August 5, 2014, and shall continue in effect for one hundred twenty (120) days from August 5, 2014, expiring on December 4, 2014, or until publication of a Notice of Final Rulemaking, whichever occurs earlier. The emergency rule shall become final upon publication of a Notice of Final Rulemaking in the *D.C. Register*.

The Director intends to take a Notice of Final Rulemaking in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Title 22 DCMR (Health), Subtitle B (Public Health and Medicine), is amended as follows:

Amend the table of contents by striking the phrase “209 RESERVED” and inserting the phrase “209 COMMUNICABLE DISEASES CONTRACTED BY STUDENTS”

Amend Chapter 2 (Communicable and Reportable Diseases) by adding a new Section 209 (Communicable Diseases Contracted by Students) to read as follows:

209 COMMUNICABLE DISEASES CONTRACTED BY STUDENTS

209.1 Each school shall encourage its students to adhere to the following preventive measures designed to minimize the transmission of communicable diseases:

- (a) Use tissues for coughs and sneezes, or cough and sneeze into the elbow;
- (b) Wash hands with soap and water before eating and after using the toilet; and

- (c) Do not share combs, brushes, hair accessories, and hats.

209.2 Each school shall provide students with developmentally appropriate information regarding communicable diseases including Chlamydia, Gonorrhea, Human Papillomavirus (HPV), Human Immunodeficiency Virus (HIV), and other sexually transmitted infections. This information shall include instruction in measures designed to prevent the spread of communicable diseases.

209.3 Each school shall contact the parent or guardian of a minor student who exhibits any of the following symptoms, which may indicate the beginning of a communicable disease, for possible referral for medical examination:

- (a) Sore throat;
- (b) Runny eyes;
- (c) Headache;
- (d) Nausea;
- (e) Vomiting;
- (f) Diarrhea;
- (g) Fever;
- (h) Chills;
- (i) Severe or chronic cough;
- (j) Rash;
- (k) Jaundice; and
- (l) Weeping or draining sores that cannot be covered.

209.4 A school official who suspects that a student has one of the following communicable diseases shall refer the student to the school nurse [or contact a parent or guardian if the school nurse is unavailable]. A school shall exclude a student diagnosed with a communicable disease and re-admit the student as follows:

- (a) Conjunctivitis (“pink eye”):
 - (1) A student diagnosed with a viral infection may return to school

after any redness and discharge have disappeared;

- (2) A student diagnosed with a bacterial infection may return to school twenty-four (24) hours after commencing antibiotic treatment if a licensed practitioner provides a note attesting to the diagnosis, the onset of treatment, and that the child is cleared to return to school; or
 - (3) A student diagnosed with allergic conjunctivitis may return to school upon submitting a licensed practitioner's note stating the diagnosis;
- (b) Acute diarrhea:
- (1) A student with infectious diarrhea (*e.g.*, Salmonella, Shigella, *E. coli*) may return to school when diarrhea ends or upon submitting a health care provider's note providing medical clearance to return to school;
 - (2) A student with non-infectious diarrhea (*e.g.*, inflammatory bowel disease, food allergy, reaction to medication) may return to school when diarrhea ends and with instruction to thoroughly wash hands with soap and water after using the toilet and before handling food;
- (c) A student with a clinical syndrome such as meningitis or pneumonia resulting from Haemophilus influenza type B (Hib) may return to school twenty-four (24) hours after completing [antibiotic] treatment and submitting a licensed practitioner's note attesting to the diagnosis and completion of treatment;
- (d) Hepatitis:
- (1) A student with Hepatitis A may return to school one (1) week after onset of illness or jaundice and upon submitting a licensed practitioner's note providing medical clearance to return to school;
 - (2) A student with Hepatitis B or C may return to school upon submitting a licensed practitioner's note providing medical clearance to return to school;
- (e) A student diagnosed with Impetigo (bacterial infection of the skin) may return to school twenty-four (24) hours after beginning antibiotic therapy, provided all lesions are covered, and upon submitting a licensed practitioner's note stating that the student is undergoing treatment;
- (f) A student diagnosed with Measles may return to school four (4) days after

the appearance of rash and upon submitting a licensed practitioner's note providing medical clearance to return to school;

- (g) A student diagnosed with Meningitis may return to school upon submitting a licensed practitioner's note providing medical clearance to return to school;
- (h) A student diagnosed with Methicillin-resistant *Staphylococcus aureus* (MRSA) may return to school provided that all wound drainage ("pus") is covered and contained;
- (i) A student diagnosed with Mumps may return to school five (5) days after the onset of swelling and upon submitting a licensed practitioner's note providing medical clearance to return to school;
- (j) A student diagnosed with Pediculosis (infestation by live head lice) may remain in class that day; however parents or guardians should commence treatment at the conclusion of the school day. The child may return to school upon submitting to the school nurse a parent's or guardian's note attesting to the fact that the student is undergoing treatment. A student with only Nits (eggs) shall not be excluded from school; however the school nurse, principal or designee shall send a note to the parents or guardians advising them to monitor the child for re-infestation.
- (k) A student diagnosed with Pertussis ("whooping cough") may return to school three (3) weeks after the onset of symptoms, if untreated, or five (5) days after beginning antibiotic therapy and submitting a licensed practitioner's note attesting to the beginning of therapy;
- (l) A student diagnosed with Pinworms may return to school twenty-four (24) hours after the first treatment and upon submitting a licensed practitioner's note stating that the student is under treatment;
- (m) A student diagnosed with Ringworm may return to school upon submitting a licensed practitioner's note stating that the student is under treatment;
- (n) A student diagnosed with Rubella (German measles) may return to school seven (7) days after the rash appears;
- (o) A student diagnosed with Scabies ("itch mite") may return to school upon submitting a licensed practitioner's note stating that the student's treatment for scabies with a prescription lotion has been completed;
- (p) A student diagnosed with Strep infection (scarlet fever, strep throat) may return to school twenty-four (24) hours after beginning antibiotic treatment, provided the student is without fever for twenty-four (24) hours,

and upon submitting a licensed practitioner's note affirming the start of treatment, and providing medical clearance for the student to return to school;

- (q) Tuberculosis:
- (1) A student diagnosed with active Tuberculosis may return to school upon providing a written recommendation to return to school from the Tuberculosis Control Program of the Department of Health; and
 - (2) A student diagnosed with latent Tuberculosis may return to school after initiating treatment and upon submission of a licensed practitioner's note giving medical clearance to return; or
- (r) A student diagnosed with Varicella (chickenpox), even if previously vaccinated, may return to school after lesions have crusted and upon submission of a licensed practitioner's note giving medical clearance to return.

209.5 A person shall not disclose a student's individually identifiable health information without written authorization from the parent or guardian of a minor student or from a student eighteen (18) years of age or older to anyone other than:

- (a) The Department of Health;
- (b) A school nurse;
- (c) A school physician;
- (d) The student's primary health care provider; or
- (e) A school principal or designee.

209.6 A school shall inform the Director of the Department of Health within two (2) hours when any student has contracted any of the following diseases:

- (a) Measles;
- (b) Meningococcal meningitis;
- (c) Mumps;
- (d) Pertussis;
- (e) Rubella;

- (f) Tuberculosis; or
- (g) Hepatitis A or any other food-borne illness.

209.7 To the extent permitted by law or regulation, a school shall report cases of Chlamydia, Gonorrhea, HIV, and other communicable diseases contracted by students to the Director of the Department of Health.

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-196
August 12, 2014

SUBJECT: Delegation of Authority to the State Superintendent of Education to Manage the Hospitality High School of Washington, D.C.

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(1) and (6) 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(1) and (6) (2012 Repl.), and section 2212 of the District of Columbia School Reform Act of 1995, effective April 26, 1996, 110 Stat. 1321, Pub. L. 104-134, D. C. Official Code § 38-1802.12(d)(5)(A) (2012 Repl.), it is hereby **ORDERED** that:

1. The State Superintendent of Education of the District of Columbia is delegated the authority of the Mayor to take any and all actions authorized to be performed in connection with the direct management of the Hospitality High School of Washington, D.C., including but not limited to the authority to execute and deliver any other document, contract, agreement, statement, or instrument required by or incidental to the management of the Hospitality High School of Washington, D.C.
2. The authority delegated by the Mayor to the State Superintendent of Education may be further delegated to subordinates under the personnel authority of the State Superintendent of Education.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



 VINCENT C. GRAY
 MAYOR

ATTEST: 

 CYNTHIA BROCK-SMITH
 SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-197
August 12, 2014

SUBJECT: Appointments - Advisory Committee on Trauma Technologists


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 2 of the Trauma Technologists Licensure Amendment Act of 2013, effective January 25, 2014, D.C. Law 20-64, D.C. Official Code § 3-1202.03(d-3) (2014 Supp.), it is hereby **ORDERED** that:

1. **DR. ALEXANDRA RUCKER** is appointed as an Emergency Room Physician member of the Advisory Committee on Trauma Technologists ("Committee"), for a term to end three years from the date of this Order.
2. **DR. ERIC ROSENTHAL** is appointed as an Emergency Room Physician member of the Committee, for a term to end three years from the date of this Order.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



 VINCENT C. GRAY
 MAYOR

ATTEST: 

 CYNTHIA BROCK-SMITH
 SECRETARY OF THE DISTRICT OF COLUMBIA

E.L. HAYNES PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Financial Advisory Proposal**

E.L. Haynes Public Charter School (“ELH”) is soliciting proposals from qualified vendors for financial advisory and consulting services in order to achieve three objectives:

1. Efficiently structure and complete the dissolution, repayment and/or restructuring of certain existing tax credit, debt and lease financing arrangements (“Unwind Objective”). The goals in doing so are to consolidate ELH’s assets and operations, reduce the complexity of ELH’s financing structure and provide financial benefit and flexibility to ELH;
2. Raise new tax credit financing via ELH’s existing allocation of Qualified School Construction Bonds, which were used to finance the construction of the Kansas Avenue campus (“QSCB Objective”). Some of the tax credit strips on these bonds have yet to be monetized. The goal is to maximize the proceeds available to ELH from these tax credit strips as a way to reduce new borrowing;
3. Raise new debt financing via traditional bank debt, bond financing or another vehicle (“New Debt Financing Objective”). ELH will explore all potential options with both its existing financing partners and other parties. The competing goals in raising this capital are to keep the cost of financing as low as possible while preserving as much simplicity and future flexibility for ELH as possible.

Proposals will be due by COB Friday, August 29, 2014.

The RFPs with bidding requirements can be obtained by contacting:

Vanessa Carlo-Miranda
E.L. Haynes Public Charter School
Phone: 202.667.4446 x2511
Email: vcarlomiranda@elhaynes.org

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FUNDING AVAILABILITY**Child Development Center Partners to Join Neighborhood-based Networks of High Quality Infant/ Toddler Child Care and Comprehensive Services****Request for Applications Release Date: August 22, 2014****Registration for Mandatory Pre-Application Conference Date: September 5, 2014****Mandatory Pre-Application Conference Date: September 9, 2014****Pre-Applicant Conference Webinar Date: September 12, 2014****Grant Application Submission Deadline: September 22, 2014**

The Office of the State Superintendent for Education (OSSE) of the District of Columbia seeks applications from child care center partners interested in joining a neighborhood-based technical assistance network in order to receive support to attain and maintain federal Early Head Start (EHS) standards.

This new initiative is the first step toward a multi-year effort to build a neighborhood-based quality improvement system for child care providers in the District that result in more children and families benefiting from early, continuous, intensive, and comprehensive child development and family support services, including educational, health, nutritional, behavioral, and family support services which enhance the physical, social, emotional, and intellectual development of participating children. In addition, Child Care partners that are selected to join a quality improvement network will benefit from the following:

- Job-embedded, continuous, professional learning and technical assistance
- Guaranteed full payment for a negotiated number of subsidy slots at the gold rate when program maintains overall 85% monthly enrollment rather than tie to individual child attendance
- Assistance with recruitment to fill vacancies and support with transitions to pre-K
- Salary bonuses for teachers, and priority for staff in programs that help with degree attainment

Request for Applications: As part of the Mayor's proposed \$7.1 million in the fiscal year 2015 ("FY15") budget for improving and expanding the quality of infant and toddler care and leveraging a new federal funding opportunity to support EHS-child care partnerships, OSSE is seeking applications from licensed Child Development Centers that wish to be considered to join a community-based Quality Improvement Network. Each Network will be led by a community-based organization that will serve as a Hub. Hub agencies for child development center partners are:

- CentroNia
- United Planning Organization

In a forthcoming request for applications, family child care homes will have the opportunity to apply to join a family child care quality improvement network led by the Mary's Center. Both CentroNia and United Planning Organization will be responsible for providing services and

supports to participating providers under the Quality Improvement Network and help them meet the following goals:

- Achieving Federal Head Start Program Performance Standards for serving infants, toddlers, and their families.
- Employing and maintaining qualified, highly skilled and appropriately compensated child care teachers.
- Providing comprehensive child development services for all children that enhance their physical, social, emotional, and intellectual development.
- Providing an array of services to families including parenting education and family support.

It is expected that partners will have 18 months from the point of federal award to meet the full range of federal standards. This new initiative has the potential to leverage federal funding that will be available to the District to support EHS and child care partnerships <http://eclkc.ohs.acf.hhs.gov/hslc/hs/grants/ehs-ccp> . The federal Partnership grant will fund new or existing Early Head Start grantees to partner with licensed center-based or family child care providers who agree to meet the federal standards. As such, organizations that respond to this RFA must agree to collaborate on this federal grant opportunity in order to ensure that the available federal funds are maximized to support the children and families in high priority neighborhoods, and special populations (dual language learners, homeless, foster, children of teen parents, children with special needs).

This new initiative – Neighborhood-based Networks - will ensure more children and families benefit from early, continuous, intensive, and comprehensive child development and family support services, including educational, health, nutritional, behavioral, and family support services which enhance the physical, social, emotional, and intellectual development of participating children.

Anticipated Number of Awards: OSSE seeks to fund multiple Grantees to serve as a partner child care provider. Should a grantee fail to achieve the stated goals and objectives described in the individual proposal under this application that grantee may be subject to penalties that include, but are not limited to, loss of funding, suspension or termination.

Available Funding for Awards: OSSE plans to utilize \$1.8 million from the Mayor's proposed funding allocation for early learning and existing agency managed dollars, including those available through child care subsidy and early intervention, to partner with qualified agencies responding to this RFA.

Eligibility Criteria: OSSE seeks information from child development programs willing to join a One City approach to raising the quality of infant and toddler child care by serving as child care partners. To be eligible, responding agencies must:

- Operate in wards 1, 4, 5, 6, 7, or 8;
- Have achieved a Gold Tiered Rating;

- Are licensed by OSSE, have not been grandfathered in/ as exempt from certain licensing standards, or received a waiver from any licensing requirements, and have no substantiated reports of licensing violations within the last year;
- Are serving children between birth and age three, of these 50% must be below the federal poverty level, and/or homeless or in the foster care system;
- Accept child care subsidy as payment for at least 40% of existing infant/toddler slots;
- Have the capacity to serve children with special needs;
- Have the capacity and dedication to implement the federal Head Start Program; and Performance Standards and prioritize Early Head Start eligible children for service.

Information Requested from Potential Child Care Partners: Agencies interested in being a Child Care Partners may be current Head Start or Early Head Start grantees, and/or organizations with a track record of success in administering federal funds and providing high-quality infant and toddler care. Applicants are required to provide the following information:

- Your agency capacity to service as an OSSE grantee, and date of most recent independent financial audit.
- Information about current infant and toddler program, including total licensed capacity by age (0-12, 12-24, 24-36 months) and capacity for subsidized slots, by age.
- Sources of funding for the program (subsidy, private, EHS, philanthropic), please describe federally funded program options and number of children and families participating in each.
- Information about program services provided to children and families, including information about innovative approaches to working with special populations (homeless, foster, dual language learner, teen parents).
- Data on wait list for services by ward/neighborhood, and any plans or opportunities for expansion of infant/toddler services.

Important Dates: The Request for Application (RFA) will be available on August 22, 2014. Applications may be obtained from the Office of Partnerships and Grant Services website, Funding Alert link @ <http://opgs.dc.gov/page/funding-alert> , the DC Register <http://www.dcregs.dc.gov/> or the Office of the State Superintendent of Education (OSSE) website, <http://osse.dc.gov/>. Applications may also be obtained from Mr. Walter C. Lundy, Jr., Associate Director, please send an email to Walter.Lundy@dc.gov to request an electronic copy of the application.

Parties interested in applying for this RFA are required to attend the mandatory Pre-Application Conference that will be held on September 9, 2014, 1:00 p.m. to 3:00 p.m. EST at 810 First Street, NE, 3rd Floor Conference Room (Side B), Washington, DC 20002.

Interested parties are required to RSVP for the mandatory Pre-Application Conference to Ms. Lilian Tetteh via email to Lilian.Tetteh@dc.gov by September 5, 2014. Additionally, a follow-up Webinar will be hosted by OSSE on September 12, 2014 from 10:00 a.m. –11:00 a.m. **The deadline for final application submission is September 22, 2014, via electronic submission at 3:30 p.m. EST.**

OFFICE OF THE DEPUTY MAYOR FOR EDUCATION**NOTICE OF ACTION ON ALTERATION OF ATTENDANCE ZONES**

On August 18th, 2014, the D.C. Advisory Committee on Student Assignment (“Advisory Committee”), which was created for the purpose of submitting recommendations to the Mayor on revised attendance zones for the District of Columbia Public Schools (DCPS) and on student assignment policies, submitted their final recommendations to the Chancellor and the Mayor.

Pursuant to DCMR Title 5, Chapter 20, a series of community meetings and a public hearing occurred on the proposed action on June 16, 17, 19, and 26, 2014. The Chancellor accepted and approved the recommended school attendance zones, as developed by the Advisory Committee, and notified the Mayor of her approval. Approved attendance zone changes will start going into effect for the 2015-16 school year.

Revised DCPS attendance zones and details of who is impacted can be found at: dcps.dc.gov/DCPS/boundaries or at dme.dc.gov/boundaries or by contacting the Chancellor’s Response Team at 202-478-5738.

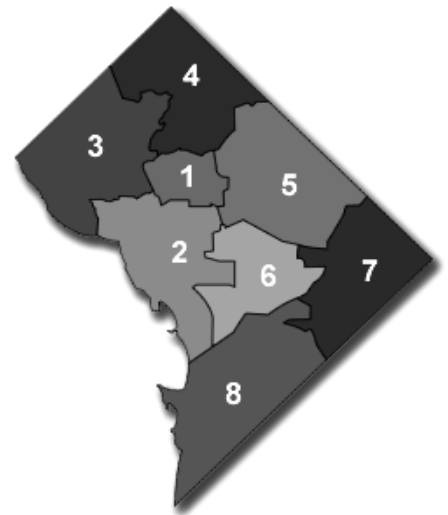
**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION SUMMARY
As Of JULY 31, 2014**

| WARD | DEM | REP | STG | LIB | OTH | N-P | TOTALS |
|--------------------------------|---------------|--------------|-------------|-------------|-------------|---------------|----------------|
| 1 | 41,850 | 2,657 | 714 | 61 | 123 | 11,165 | 56,570 |
| 2 | 28,834 | 5,494 | 203 | 65 | 121 | 10,575 | 45,292 |
| 3 | 35,550 | 6,656 | 347 | 56 | 93 | 10,975 | 53,677 |
| 4 | 45,801 | 2,160 | 514 | 37 | 131 | 8,637 | 57,280 |
| 5 | 48,210 | 1,971 | 571 | 39 | 151 | 8,223 | 59,165 |
| 6 | 49,372 | 6,087 | 508 | 78 | 162 | 12,107 | 68,314 |
| 7 | 47,713 | 1,305 | 458 | 8 | 113 | 6,898 | 56,495 |
| 8 | 44,434 | 1,300 | 435 | 14 | 166 | 7,327 | 53,676 |
| Totals | 341,764 | 27,630 | 3,750 | 358 | 1,060 | 75,907 | 450,469 |
| Percentage By Party | 75.87% | 6.13% | .83% | .08% | .24% | 16.85% | 100.00% |

**DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF
VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS
AS OF THE END OF JULY 31, 2014**

COVERING CITY WIDE TOTALS BY:
WARD, PRECINCT AND PARTY

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



D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 1 REGISTRATION SUMMARY
As Of JULY 31, 2014

| PRECINCT | DEM | REP | STG | LIB | OTH | N-P | TOTALS |
|-----------------|---------------|--------------|------------|------------|------------|---------------|---------------|
| 20 | 1,254 | 31 | 5 | 2 | 7 | 186 | 1,485 |
| 22 | 3,525 | 311 | 36 | 6 | 7 | 931 | 4,816 |
| 23 | 2,655 | 175 | 52 | 5 | 6 | 691 | 3,584 |
| 24 | 2,388 | 218 | 32 | 6 | 7 | 732 | 3,383 |
| 25 | 3,654 | 411 | 61 | 5 | 5 | 1,084 | 5,220 |
| 35 | 3,305 | 207 | 62 | 4 | 6 | 950 | 4,534 |
| 36 | 4,093 | 264 | 66 | 2 | 10 | 1,112 | 5,547 |
| 37 | 3,028 | 129 | 53 | 3 | 7 | 681 | 3,901 |
| 38 | 2,639 | 132 | 54 | 4 | 8 | 705 | 3,542 |
| 39 | 4,026 | 210 | 81 | 6 | 15 | 986 | 5,324 |
| 40 | 3,790 | 199 | 91 | 5 | 18 | 1,087 | 5,190 |
| 41 | 3,237 | 178 | 63 | 8 | 14 | 998 | 4,498 |
| 42 | 1,728 | 64 | 31 | 2 | 6 | 451 | 2,282 |
| 43 | 1,615 | 70 | 20 | 2 | 3 | 360 | 2,070 |
| 137 | 913 | 58 | 7 | 1 | 4 | 211 | 1,194 |
| TOTALS | 41,850 | 2,657 | 714 | 61 | 123 | 11,165 | 56,570 |

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 2 REGISTRATION SUMMARY
As Of JULY 31, 2014

| PRECINCT | DEM | REP | STG | LIB | OTH | N-P | TOTALS |
|-----------------|---------------|--------------|------------|------------|------------|---------------|---------------|
| 2 | 667 | 146 | 6 | 0 | 8 | 408 | 1,235 |
| 3 | 1,316 | 362 | 12 | 5 | 13 | 594 | 2,302 |
| 4 | 1,649 | 444 | 9 | 4 | 6 | 773 | 2,885 |
| 5 | 2,114 | 665 | 12 | 5 | 9 | 823 | 3,628 |
| 6 | 2,287 | 919 | 22 | 5 | 16 | 1,250 | 4,499 |
| 13 | 1,331 | 254 | 7 | 2 | | 457 | 2,051 |
| 14 | 2,765 | 455 | 22 | 6 | 11 | 1,005 | 4,264 |
| 15 | 2,953 | 314 | 21 | 6 | 10 | 853 | 4,157 |
| 16 | 3,410 | 366 | 27 | 7 | 12 | 877 | 4,699 |
| 17 | 4,672 | 627 | 36 | 11 | 16 | 1,585 | 6,947 |
| 129 | 1,951 | 318 | 11 | 4 | 5 | 720 | 3,009 |
| 141 | 2,169 | 246 | 9 | 7 | 9 | 638 | 3078 |
| 143 | 1,550 | 378 | 9 | 3 | 6 | 592 | 2,538 |
| TOTALS | 28,834 | 5,494 | 203 | 65 | 121 | 10,575 | 45,292 |

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 3 REGISTRATION SUMMARY
As Of JULY 31, 2014

| PRECINCT | DEM | REP | STG | LIB | OTH | N-P | TOTALS |
|---------------|---------------|--------------|------------|-----------|-----------|---------------|---------------|
| 7 | 1,177 | 395 | 18 | 1 | 2 | 549 | 2,142 |
| 8 | 2,258 | 589 | 24 | 5 | 6 | 716 | 3,598 |
| 9 | 1,096 | 464 | 7 | 2 | 6 | 457 | 2,032 |
| 10 | 1,654 | 409 | 13 | 2 | 7 | 606 | 2,691 |
| 11 | 3,232 | 939 | 40 | 3 | 6 | 1,349 | 5,569 |
| 12 | 441 | 182 | 1 | 0 | 2 | 204 | 830 |
| 26 | 2,800 | 350 | 25 | 3 | 3 | 886 | 4,067 |
| 27 | 2,350 | 279 | 18 | 5 | 4 | 585 | 3,241 |
| 28 | 2,221 | 518 | 33 | 7 | 6 | 759 | 3,544 |
| 29 | 1,162 | 233 | 9 | 1 | 6 | 362 | 1,773 |
| 30 | 1,201 | 217 | 15 | 3 | 3 | 268 | 1,707 |
| 31 | 2,261 | 305 | 20 | 2 | 8 | 541 | 3,137 |
| 32 | 2,579 | 306 | 20 | 2 | 3 | 589 | 3,499 |
| 33 | 2,772 | 331 | 33 | 6 | 9 | 717 | 3,868 |
| 34 | 3,456 | 464 | 27 | 7 | 6 | 1,130 | 5,090 |
| 50 | 1,977 | 283 | 14 | 4 | 9 | 451 | 2,738 |
| 136 | 843 | 114 | 9 | 1 | 1 | 303 | 1,271 |
| 138 | 2,070 | 278 | 21 | 2 | 6 | 503 | 2,880 |
| TOTALS | 35,550 | 6,656 | 347 | 56 | 93 | 10,975 | 53,677 |

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 4 REGISTRATION SUMMARY
As Of JULY 31, 2014

| PRECINCT | DEM | REP | STG | LIB | OTH | N-P | TOTALS |
|---------------|---------------|--------------|------------|-----------|------------|--------------|---------------|
| 45 | 2,098 | 74 | 36 | 5 | 7 | 420 | 2,640 |
| 46 | 2,695 | 67 | 34 | 2 | 9 | 506 | 3,313 |
| 47 | 2,830 | 137 | 40 | 4 | 9 | 691 | 3,711 |
| 48 | 2,611 | 129 | 29 | 1 | 6 | 533 | 3,309 |
| 49 | 840 | 34 | 13 | 0 | 4 | 184 | 1,075 |
| 51 | 3,090 | 536 | 20 | 2 | 6 | 619 | 4,273 |
| 52 | 1,229 | 177 | 5 | 0 | 3 | 221 | 1,635 |
| 53 | 1,206 | 71 | 20 | 1 | 5 | 258 | 1,561 |
| 54 | 2,267 | 91 | 30 | 2 | 4 | 467 | 2,861 |
| 55 | 2,309 | 68 | 23 | 1 | 6 | 420 | 2,827 |
| 56 | 2,954 | 83 | 29 | 0 | 10 | 652 | 3,728 |
| 57 | 2,423 | 72 | 32 | 2 | 12 | 429 | 2,970 |
| 58 | 2,205 | 56 | 18 | 2 | 2 | 354 | 2,637 |
| 59 | 2,482 | 78 | 32 | 4 | 10 | 400 | 3,006 |
| 60 | 2,117 | 77 | 23 | 2 | 9 | 655 | 2,883 |
| 61 | 1,564 | 49 | 12 | 0 | 2 | 275 | 1,902 |
| 62 | 3,017 | 120 | 29 | 1 | 3 | 344 | 3,514 |
| 63 | 3,309 | 126 | 53 | 1 | 13 | 602 | 4,104 |
| 64 | 2,139 | 52 | 15 | 3 | 6 | 309 | 2,524 |
| 65 | 2,416 | 63 | 21 | 4 | 5 | 298 | 2,807 |
| Totals | 45,801 | 2,160 | 514 | 37 | 131 | 8,637 | 57,280 |

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 5 REGISTRATION SUMMARY
As Of JULY 31, 2014

| PRECINCT | DEM | REP | STG | LIB | OTH | N-P | TOTALS |
|---------------|---------------|--------------|------------|-----------|------------|--------------|---------------|
| 19 | 3,939 | 179 | 64 | 6 | 9 | 913 | 5,110 |
| 44 | 2,778 | 214 | 34 | 5 | 13 | 639 | 3,683 |
| 66 | 4,356 | 98 | 37 | 1 | 9 | 489 | 4,990 |
| 67 | 2,885 | 98 | 27 | 0 | 7 | 377 | 3,394 |
| 68 | 1,823 | 133 | 29 | 6 | 7 | 370 | 2,368 |
| 69 | 2,059 | 68 | 12 | 1 | 9 | 255 | 2,404 |
| 70 | 1,401 | 64 | 21 | 2 | 4 | 208 | 1,700 |
| 71 | 2,287 | 57 | 25 | 1 | 9 | 328 | 2,707 |
| 72 | 4,227 | 114 | 25 | 2 | 19 | 719 | 5,106 |
| 73 | 1,829 | 84 | 25 | 4 | 4 | 330 | 2,276 |
| 74 | 3,976 | 199 | 59 | 2 | 8 | 762 | 5,006 |
| 75 | 3,151 | 142 | 55 | 4 | 5 | 685 | 4,042 |
| 76 | 1,315 | 61 | 14 | 0 | 5 | 248 | 1,643 |
| 77 | 2,672 | 88 | 32 | 2 | 10 | 458 | 3,262 |
| 78 | 2,797 | 77 | 37 | 0 | 7 | 422 | 3,340 |
| 79 | 1,848 | 80 | 19 | 1 | 9 | 320 | 2,277 |
| 135 | 2,852 | 173 | 46 | 2 | 13 | 497 | 3,583 |
| 139 | 2,015 | 42 | 10 | 0 | 4 | 203 | 2,274 |
| TOTALS | 48,210 | 1,971 | 571 | 39 | 151 | 8,223 | 59,165 |

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 6 REGISTRATION SUMMARY
As Of JULY 31, 2014

| PRECINCT | DEM | REP | STG | LIB | OTH | N-P | TOTALS |
|-----------------|---------------|--------------|------------|------------|------------|---------------|---------------|
| 1 | 3,808 | 403 | 47 | 4 | 15 | 999 | 5,276 |
| 18 | 4,133 | 259 | 43 | 6 | 12 | 881 | 5,334 |
| 21 | 1,107 | 62 | 19 | 1 | 4 | 244 | 1,437 |
| 81 | 4,527 | 353 | 43 | 2 | 15 | 928 | 5,868 |
| 82 | 2,507 | 254 | 25 | 5 | 11 | 549 | 3,351 |
| 83 | 3,728 | 448 | 32 | 10 | 12 | 948 | 5,218 |
| 84 | 1,951 | 415 | 25 | 4 | 6 | 531 | 2,932 |
| 85 | 2,592 | 498 | 23 | 4 | 8 | 724 | 3,849 |
| 86 | 2,235 | 264 | 29 | 0 | 10 | 480 | 3,018 |
| 87 | 2,670 | 233 | 16 | 1 | 7 | 548 | 3,475 |
| 88 | 2,120 | 293 | 16 | 3 | 7 | 532 | 2,971 |
| 89 | 2,517 | 641 | 24 | 11 | 6 | 757 | 3,956 |
| 90 | 1,564 | 261 | 13 | 3 | 6 | 469 | 2,316 |
| 91 | 4,016 | 348 | 36 | 4 | 16 | 935 | 5,355 |
| 127 | 3,774 | 270 | 52 | 6 | 12 | 777 | 4,891 |
| 128 | 2,164 | 204 | 28 | 4 | 4 | 587 | 2,991 |
| 130 | 809 | 317 | 9 | 3 | 3 | 289 | 1,430 |
| 131 | 1,799 | 410 | 13 | 6 | 6 | 580 | 2,814 |
| 142 | 1,311 | 154 | 15 | 1 | 2 | 349 | 1,832 |
| TOTALS | 49,372 | 6,087 | 508 | 78 | 162 | 12,107 | 68,314 |

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 7 REGISTRATION SUMMARY
As Of JULY 31, 2014

| PRECINCT | DEM | REP | STG | LIB | OTH | N-P | TOTALS |
|---------------|---------------|--------------|------------|----------|------------|--------------|---------------|
| 80 | 1,514 | 89 | 16 | 0 | 5 | 261 | 1,885 |
| 92 | 1,572 | 36 | 11 | 1 | 5 | 248 | 1,873 |
| 93 | 1,517 | 50 | 15 | 1 | 7 | 222 | 1,812 |
| 94 | 1,998 | 47 | 18 | 0 | 3 | 282 | 2,348 |
| 95 | 1,688 | 46 | 18 | 0 | 1 | 299 | 2,052 |
| 96 | 2,300 | 69 | 25 | 0 | 8 | 367 | 2,769 |
| 97 | 1,483 | 38 | 19 | 0 | 2 | 195 | 1,737 |
| 98 | 1,782 | 45 | 23 | 0 | 4 | 255 | 2,109 |
| 99 | 1,433 | 42 | 18 | 1 | 5 | 236 | 1,735 |
| 100 | 2,153 | 48 | 18 | 1 | 4 | 276 | 2,500 |
| 101 | 1,631 | 30 | 18 | 0 | 5 | 186 | 1,870 |
| 102 | 2,451 | 51 | 23 | 0 | 5 | 312 | 2,842 |
| 103 | 3,530 | 99 | 40 | 1 | 10 | 565 | 4,245 |
| 104 | 2,973 | 82 | 28 | 0 | 11 | 439 | 3,533 |
| 105 | 2,340 | 64 | 22 | 1 | 3 | 389 | 2,819 |
| 106 | 2,940 | 71 | 24 | 0 | 8 | 457 | 3,500 |
| 107 | 1,863 | 64 | 18 | 0 | 5 | 295 | 2,245 |
| 108 | 1,112 | 26 | 6 | 0 | | 119 | 1,263 |
| 109 | 921 | 33 | 7 | 0 | 1 | 90 | 1,052 |
| 110 | 3,695 | 94 | 26 | 2 | 5 | 408 | 4,230 |
| 111 | 2,462 | 58 | 25 | 0 | 8 | 364 | 2,917 |
| 113 | 2,202 | 63 | 22 | 0 | 4 | 271 | 2,562 |
| 132 | 2,153 | 60 | 18 | 0 | 4 | 362 | 2,597 |
| TOTALS | 47,713 | 1,305 | 458 | 8 | 113 | 6,898 | 56,495 |

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 8 REGISTRATION SUMMARY
As Of JULY 31, 2014

| PRECINCT | DEM | REP | STG | LIB | OTH | N-P | TOTALS |
|---------------|---------------|--------------|------------|-----------|------------|--------------|---------------|
| 112 | 2,013 | 51 | 8 | 0 | 7 | 283 | 2,362 |
| 114 | 3,080 | 111 | 32 | 1 | 17 | 533 | 3,774 |
| 115 | 2,816 | 76 | 23 | 4 | 12 | 614 | 3,545 |
| 116 | 3,712 | 106 | 42 | 1 | 12 | 575 | 4,448 |
| 117 | 1,840 | 45 | 15 | 0 | 10 | 303 | 2,213 |
| 118 | 2,591 | 65 | 26 | 1 | 9 | 397 | 3,089 |
| 119 | 2,848 | 115 | 45 | 0 | 11 | 570 | 3,589 |
| 120 | 1,928 | 36 | 17 | 0 | 6 | 320 | 2,307 |
| 121 | 3,233 | 87 | 33 | 2 | 10 | 506 | 3,871 |
| 122 | 1,757 | 45 | 15 | 0 | 7 | 251 | 2,075 |
| 123 | 2,234 | 100 | 26 | 3 | 11 | 385 | 2,759 |
| 124 | 2,546 | 55 | 16 | 1 | 4 | 354 | 2,976 |
| 125 | 4,642 | 130 | 43 | 0 | 13 | 772 | 5,600 |
| 126 | 3,845 | 124 | 39 | 1 | 20 | 718 | 4,747 |
| 133 | 1,376 | 45 | 15 | 0 | 3 | 183 | 1,622 |
| 134 | 2,130 | 46 | 29 | 0 | 4 | 276 | 2,485 |
| 140 | 1,843 | 63 | 11 | 0 | 10 | 287 | 2,214 |
| TOTALS | 44,434 | 1,300 | 435 | 14 | 166 | 7,327 | 53,676 |

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION ACTIVITY

For voter registration activity between 6/30/2014 and 7/31/2014

| NEW REGISTRATIONS | DEM | REP | STG | LIB | OTH | N-P | TOTAL |
|--|----------------|---------------|--------------|------------|--------------|---------------|----------------|
| Beginning Totals | 340,653 | 27,492 | 3,755 | 339 | 1,048 | 75,618 | 448,905 |
| Board of Elections Over the Counter | 371 | 9 | 3 | 1 | 4 | 107 | 495 |
| Board of Elections by Mail | 92 | 6 | 1 | 0 | 1 | 23 | 123 |
| Board of Elections Online Registration | 6 | 1 | 0 | 1 | 2 | 2 | 12 |
| Department of Motor Vehicle | 1,303 | 117 | 11 | 15 | 2 | 332 | 1,780 |
| Department of Disability Services | 2 | 0 | 0 | 0 | 0 | 1 | 3 |
| Office of Aging | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Federal Postcard Application | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Department of Parks and Recreation | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nursing Home Program | 13 | 0 | 0 | 0 | 0 | 1 | 14 |
| Dept. of Youth Rehabilitative Services | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Department of Corrections | 3 | 1 | 0 | 0 | 0 | 1 | 5 |
| Department of Human Services | 8 | 0 | 0 | 0 | 0 | 5 | 13 |
| Special / Provisional | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| All Other Sources | 83 | 4 | 1 | 0 | 0 | 14 | 102 |
| +Total New Registrations | 1,881 | 138 | 16 | 17 | 9 | 486 | 2,547 |

| ACTIVATIONS | DEM | REP | STG | LIB | OTH | N-P | TOTAL |
|---------------------------------|------------|------------|------------|------------|------------|------------|--------------|
| Reinstated from Inactive Status | 315 | 17 | 3 | 0 | 1 | 53 | 389 |
| Administrative Corrections | 15 | 12 | 0 | 0 | 12 | 350 | 389 |
| +TOTAL ACTIVATIONS | 330 | 29 | 3 | 0 | 13 | 403 | 778 |

| DEACTIVATIONS | DEM | REP | STG | LIB | OTH | N-P | TOTAL |
|---------------------------------|--------------|------------|------------|------------|------------|------------|--------------|
| Changed to Inactive Status | 277 | 10 | 7 | 1 | 1 | 76 | 372 |
| Moved Out of District (Deleted) | 51 | 4 | 1 | 0 | 0 | 13 | 69 |
| Felon (Deleted) | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Deceased (Deleted) | 9 | 0 | 0 | 0 | 0 | 3 | 12 |
| Administrative Corrections | 1,203 | 26 | 5 | 10 | 0 | 65 | 1,309 |
| -TOTAL DEACTIVATIONS | 1,540 | 40 | 13 | 11 | 1 | 157 | 1,762 |

| AFFILIATION CHANGES | DEM | REP | STG | LIB | OTH | N-P |
|----------------------------|----------------|---------------|--------------|------------|--------------|---------------|
| + Changed To Party | 680 | 89 | 20 | 18 | 20 | 222 |
| - Changed From Party | -240 | -78 | -31 | -5 | -29 | -665 |
| ENDING TOTALS | 341,764 | 27,630 | 3,750 | 358 | 1,060 | 75,907 |

DISTRICT DEPARTMENT OF THE ENVIRONMENT**NOTICE OF FILING OF AN APPLICATION
TO PERFORM VOLUNTARY CLEANUP**

Properties located at 2100-W, 2134, 2136, 2138, 2138 ½ , 2140, and 2142
Pennsylvania Avenue, NW, and 2129-2133 I Street, NW

Pursuant to § 636.01(a) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code §§ 8-631 et seq., as amended April 8, 2011, DC Law 18-369 (herein referred to as the “Act”)), the Voluntary Cleanup Program in the District Department of the Environment (DDOE), Land Remediation and Development Branch (LRDB), is informing the public that it has received an application to participate in the Voluntary Cleanup Program (VCP). The applicant for contiguous real properties located at 2100-W, 2134, 2136, 2138, 2138 ½ , 2140 and 2142 Pennsylvania Avenue, NW, and 2129-2133 I Street, NW, is SCD SQUARE 75 LLC, 1776 Wilson Boulevard, Suite 250, Arlington, Virginia 22209. The application identifies the presence of petroleum related compounds in the soil. The applicant proposes to raze all of the current buildings and redevelop the site with a single eleven (11) story office building with ground floor retail space.

Pursuant to § 636.01(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-2A) for the area in which the property is located. The application is available for public review at the following location:

Voluntary Cleanup Program
District Department of the Environment (DDOE)
1200 1st Street, N.E., 5th Floor
Washington, DC 20002

Interested parties may also request a copy of the application for a small charge to cover the cost of copying by contacting the Voluntary Cleanup Program at the above address or calling (202) 535-2289.

Written comments on the proposed approval of the application must be received by the VCP program at the address listed above within twenty one (21) days from the date of this publication. DDOE is required to consider all relevant public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

Please refer to Case No. VCP 2014-028 in any correspondence related to this application.

DISTRICT DEPARTMENT OF THE ENVIRONMENT**NOTICE OF FILING OF A
VOLUNTARY CLEANUP ACTION PLAN****Cleanup Action Plan for 1850 New York Avenue, NE**

Pursuant to § 601(b) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code §§ 8-631 *et seq.*, as amended April 8, 2011, D.C. Law 18-369 (Act)), the Voluntary Cleanup Program in the District Department of the Environment (DDOE), Land Remediation and Development Branch (LRDB), informs the public that it has received a Cleanup Action Plan requesting to perform a remediation action for certain real property located at 1850 New York Avenue, NE. The applicant for the referenced address, Case No. VCP2014-027, is 1850 N.Y. Ave. Self Storage Partners, LLC, 8291 Old Court House Road, Suite 210, Vienna, VA 22182. The applicant identifies the presence of petroleum related hydrocarbons in the soil and Volatile Organic Compounds (VOC) in the soil, groundwater and soil vapor. The applicant proposes to perform limited excavation activities at the currently idle land for the purpose of re-developing into a self-storage facility.

Written comments on the proposed Cleanup Action Plan must be received by the VCP program at the address listed below within twenty one (21) days from the date of this publication. DDOE is required to consider all public comments it receives before acting on the application, the Cleanup Action Plan, or a Certificate of Completion for any voluntary cleanup project.

The Cleanup Action Plan and supporting documents are available for public review at the following location:

Voluntary Cleanup Program
District Department of the Environment (DDOE)
1200 First St., NE, Fifth Floor
Washington, DC 20002

Interested parties may also request a copy of the Cleanup Action Plan for a small charge to cover the cost of copying by contacting the Voluntary Cleanup Program at the above address or by calling (202) 535-1771.

Pursuant to § 601(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC) for the area in which the property is located.

DISTRICT DEPARTMENT OF THE ENVIRONMENT**NOTICE OF PUBLIC COMMENT PERIOD****Draft 2014 District of Columbia Integrated Report**

The federal Clean Water Act (CWA) requires the District of Columbia to assess the city's waters and publish an Integrated Report (IR) (Sections 305(b) and 303(d) of the federal CWA) biennially on the status of all waterbodies in the District. Waterbodies listed as impaired may require the development of total maximum daily loads.

The U.S. Environmental Protection Agency's (EPA) guidance on the preparation of the Integrated Report encourages a public comment period. The Draft 2014 IR is available for public review. The draft document can be viewed online at www.ddoe.dc.gov, under the "Regulation and Law" and "Public Notices & Hearings" tab and is available for review at the Martin Luther King, Jr. Library, 901 G St., NW, Washington, DC 20001, during normal business hours.

For consideration the comments must be received by Monday, September 22, 2014.

Comments received will be considered in the preparation of the final District of Columbia 2014 Integrated Report for submittal to EPA. Please email comments to 2014draftir.ddoe@dc.gov with "Comments on the 2014 Draft IR" as the subject line. Hard copy comments may be submitted to the following address:

DDOE Water Quality Division
ATTN: 2014 Integrated Report
1200 First Street, NE, 5th Floor
Washington, DC 20002

No comments postmarked after September 22, 2014 will be accepted.

For questions concerning the contents of the draft document please contact, Lucretia Brown at lucretia.brown@dc.gov or 202-535-1807.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

PUBLIC NOTICE**Proposed Air Quality Source Category Permit to Construct and Operate Temporary Portable Crusher or Screener Equipment**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, and Title 20, §§ 200 and 210 of the District of Columbia Municipal Regulation (DCMR) the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue a source category permit covering a subset of temporary portable crusher/screener operations in the District of Columbia. This source category permit will be designated Permit No. 6886-SC.

This source category permit will cover only portable crushers and screeners processing nonmetallic minerals only that will be in operation at a given site for no more than six months. This permit covers only units that are controlled with wet suppression (i.e. water sprays) and that will operate for less than twelve hours per day. Engines associated with the equipment are required to operate using only gasoline or ultra-low sulfur diesel fuel.

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

- a. Emissions of dust shall be minimized in accordance with the requirements of 20 DCMR 605 and the “Operational Limitations” of this permit.
- b. The emission of fugitive dust from any material handling, screening, crushing, grinding, conveying, mixing, or other industrial-type operation or process is prohibited. [20 DCMR 605.2]
- c. Emissions from the engine powering the crusher/screen shall not exceed those achieved by proper operation of the equipment in accordance with manufacturer’s specifications.
- d. Visible emissions shall not be emitted into the outdoor atmosphere from stationary sources; provided, that the discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, soot blowing, adjustment of combustion controls, or malfunction of the equipment. [20 DCMR 606.1]
- e. Emissions from grinding mills, screening operations, bucket elevators, transfer points on belt conveyors, bagging operations, storage bins, enclosed truck or railcar loading stations shall not exceed 7% opacity. Emissions from crushers shall not exceed 12% opacity. [40 CFR 60, Subpart OOO, Table 3]

- f. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]
- g. Emissions of PM₁₀ from all sources at the site shall not exceed 25 tons during the duration of operations of the unit at the site.
- h. Emissions of NO_x from all sources at the site shall not exceed 25 tons during the duration of operations of the unit at the site.

As a worst case, emissions from each unit are not expected to exceed the following:

| Pollutant | Maximum Annual Emissions (tons/yr) |
|--|------------------------------------|
| Particulate Matter (PM ₁₀) | 2.40 |
| Carbon Monoxide (CO) | 4.56 |
| Oxides of Nitrogen (NO _x) | 20.33 |
| Volatile Organic Compounds (VOC) | 14.43 |
| Oxides of Sulfur (SO _x) | 1.35 |

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

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

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

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

No written comments or hearing requests postmarked after September 22, 2014 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue an air quality permit (#6945) to The Anderson Company, LLC to construct and operate a temporary portable crushing plant at 7th Street and Maine Avenue SW, Washington, DC. The contact person for the applicant is Greg Boltersdorf, Senior Project Manager, at (703) 930-2633. The applicant's mailing address is 12150 TAC Ct., Manassas, VA 10109.

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

- a. Emissions of dust shall be minimized in accordance with the requirements of 20 DCMR 605 and the "Operational Limitations" of this permit.
- b. The emission of fugitive dust from any material handling, screening, crushing, grinding, conveying, mixing, or other industrial-type operation or process is prohibited. [20 DCMR 605.2]
- c. Emissions from the engine powering the crusher shall not exceed those achieved by proper operation of the equipment in accordance with manufacturer's specifications.
- d. Visible emissions shall not be emitted into the outdoor atmosphere from stationary sources; provided, that the discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, soot blowing, adjustment of combustion controls, or malfunction of the equipment. [20 DCMR 606.1]
- e. Emissions from grinding mills, screening operations, bucket elevators, transfer points on belt conveyors, bagging operations, storage bins, enclosed truck or railcar loading stations shall not exceed 7% opacity. Emissions from crushers shall not exceed 12% opacity. [40 CFR 60, Subpart OOO, Table 3]
- f. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

Emissions from the unit are not expected to exceed the following:

| Pollutant | Maximum Annual Emissions (tons/yr) |
|---------------------------------------|---|
| Particulate Matter (PM) | 2.28 |
| Carbon Monoxide (CO) | 2.9 |
| Oxides of Nitrogen (NO _x) | 13.5 |
| Volatile Organic Compounds (VOC) | 0.20 |
| Oxides of Sulfur (SO _x) | 0.90 |

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

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

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

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

No written comments or hearing requests postmarked after September 22, 2014 will be accepted.

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

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

NOTICE OF FUNDING AVAILABILITY

The D.C. Department of Housing and Community Development (DHCD), announces a Notice of Funding Availability (NOFA) for its **Enhanced Affordable Housing Services Initiative** by way of a Request for Applications (RFA). This RFA will be funded through local dollars totaling \$300,000 available in the DHCD FY 2015 budget.

ENHANCED AFFORDABLE HOUSING SERVICES INITIATIVE

Purpose: The purpose of this RFA is to solicit applications from non-profit community based organizations (CBO) that are able to promote and increase affordable housing in the District, particularly Wards 7 and 8. The marketing, counseling, training and referral services sought by this RFA will supplement the services provided by the existing network of CBO's funded by DHCD. The emphasis of this initiative will be to promote homeownership and home preservation through the establishment of up-to-two resource centers, one each in Wards 7 and 8.

RFA Materials: The competitive RFA will be released on **Friday, August 22, 2014**. The RFA package, including all application materials, will be available in CD format and can be obtained at DHCD (1800 Martin Luther King Jr. Avenue, S.E., Washington, D.C. 20020) from the 3rd Floor reception desk, daily from 8:15 am until 4:45 pm. This material will also be available on the DHCD website, www.dhcd.dc.gov, by **Tuesday, August 26, 2014**.

Pre-Application Conference: DHCD will conduct a Pre-Application Q&A Session on **Tuesday, September 16, 2014** from 10:00 am to 12:00 pm., in the DHCD Conference Room 318 (1800 Martin Luther King, Jr. Avenue, SE, Washington, DC 20020). The purpose of this session is to present all details of the RFA and to hear and respond to all questions and/or concerns.

RFA Submissions: **Completed** applications for the Enhanced Affordable Housing Services Initiative RFA must be delivered on or before 4:00 p.m., EST, September 26, 2014, to DHCD, 1800 Martin Luther King Jr. Avenue, S.E., 3rd floor reception desk, Washington, D.C., 20020.

Applications will not be accepted after the submission deadline, no exceptions.

Vincent C. Gray, Mayor
Government of the District of Columbia

M. Jeff Miller, Interim Deputy Mayor for Planning and Economic Development

Michael P. Kelly, Director
Department of Housing and Community Development

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

HOUSING PRODUCTION TRUST FUND ADVISORY BOARD

NOTICE OF SEPTEMBER REGULAR MEETING

The Housing Production Trust Fund (HPTF) Advisory Board announces its next Meeting on **Monday, September 8, 2014, from 10:00 A.M. to Noon**, at the D.C. Department of Housing and Community Development, Housing Resource Center, 1800 Martin Luther King Jr., Avenue, SE, Washington, DC 20020. See below the Draft Agenda for the September meeting.

For additional information, please contact Oke Anyaegbunam, HPTF Manager, via e-mail at Oke.Anyaegbunam@dc.gov or by telephone at 202-442-7200.

DRAFT AGENDA (as of 7.30.14):

Call to Order, David Bowers, Chair

- 1) Approval of Prior Meeting Summaries
- 2) DHCD: Update on the Development Finance Project Pipeline and Funds Expended
- 3) *Discussion Item*: Financial Leveraging Options
 - a. Update from Acquisition Loan Program Working Group
- 4) *Discussion Item*: Demand Side Leveraging Options
 - a. Continuation of Last Meeting's Discussion on Available Databases and Leveraging Dollars for Permanent Supportive Housing, Social Services and Rent Subsidies
- 5) Old Business
 - a. Review of HPTF periodic reports
- 6) New Business
- 7) Announcements
- 8) Public Comments
- 9) Adjournment

DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY

BOARD OF DIRECTORS MEETING

August 26, 2014
815 Florida Avenue, NW
Washington, DC 20001
5:30 pm

AGENDA

- I. Call to order and verification of quorum.
- II. Approval of minutes from the August 12, 2014 board meeting.
- III. Vote to close meeting to discuss the approval of the North Capitol Commons 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 North Capitol Commons project and bond transaction. An open meeting would adversely affect the bargaining position or negotiation strategy of the public body. (D.C. Code §2-575(b)(2)).

- IV. Re-open meeting.
- V. Consideration of DCHFA Final Bond Resolution No. 2014-11 for North Capitol Commons.
- VI. Interim Executive Director's Report.
- VII. Other Business.
 - Update – DCHFA Government Affairs
 - Update - Parkway Overlook
 - Update – FY 2014 Third Quarter Budget Progress Report
- VIII. Adjournment.

KIPP DC PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Window Shade Installation**

KIPP DC is accepting proposals from qualified vendors to furnish and install window shades until 5:00pm, EST, August 29, 2014. For a full RFP, please contact Jason Salsbury at **BOTH** jsalsbury@pmmcompanies.com and procurement@kipfdc.org.

Event Venue

KIPP DC Charter schools is looking for a location to host its annual fundraising event on March 19, 2014 or March 20, 2014 from 6:30-10:00pm. The location must provide space for 400 people. Proposals are due by 5:00pm, EST, August 29 2014. For a full RFP, please email Rachel Yost at **BOTH** rachel.yost@kipfdc.org and procurement@kipfdc.org.

Print Management Services

KIPP DC Charter Schools will receive bids for print management services until 5:00pm, EST, September 5, 2014. For a full RFP, please contact Nate Schwartz at procurement@kipfdc.org.

MARY MCLEOD BETHUNE PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Food Service Management Services**

Mary McLeod Bethune PCS is advertising the opportunity to bid on the delivery of breakfast, lunch, snack and/or CACFP supper meals to children enrolled at the school for the 2014-2015 school year with a possible extension of (4) one year renewals. All meals must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal pattern requirements. Additional specifications outlined in the Request for Proposals (RFP) such as; student data, days of service, meal quality, etc. may be obtained beginning on **8/19/2014** from Don Cole at 202-459-4710 or D.Cole@MMBethune.org

Bids will be accepted at the school address on Monday, September 3, 2014 no later than 1:00 P.M.

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



BA8/18/14

MUNDO VERDE PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Security Services**

Mundo Verde PCS seeks bids for security services. The RFP with bidding requirements and supporting documentation can be obtained by contacting Elle Carne at ecarne@mundoverdepcs.org. **All bids not addressing all areas as outlined in the RFP will not be considered.**

The deadline for application submission is August 29, 2014 no later than 5:00pm

UNIVERSITY OF THE DISTRICT OF COLUMBIA**AUDIT, ADMINISTRATION AND GOVERNANCE COMMITTEE OF THE BOARD OF TRUSTEES****NOTICE OF PUBLIC MEETING**

The Audit, Administration and Governance Committee of the Board of Trustees of the University of the District of Columbia will be meeting on Tuesday, August 26, 2014 at 5:00 p.m. The meeting will be held in the in the Board Room, Third Floor, Building 39 at the Van Ness Campus, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. The final agenda will be posted to the University of the District of Columbia's website at www.udc.edu.

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

Planned Agenda

- I. Call to Order and Roll Call**
- II. Approval of Minutes – January 14, April 7, and May 20, 2014**
- III. Naming of Building and Facilities Policy**
- IV. Conflict of Interest Policy**
- V. Background Check Policy**
- VI. Performance Management Policy**
- VII. Executive Appointments**
- VIII. A-133 Update**
- IX. Closing Remarks**

Adjournment

WASHINGTON YU YING PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Administration of Student-Specific Data Assessments and Coaching**

Washington Yu Ying is seeking competitive bids for provision and administration of student assessments that give educators timely, actionable, and student-specific data as well as coaching on how to use and apply this data.

Bids should include evidence of experience in field, qualifications, and estimated fees. Please send proposals to RFP@washingtoneyu.org no later than COB Friday, September 5, 2014.

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

Order No. 18429-A on the Motion for Reconsideration and Rehearing of the Appeal of Edward V. Hanlon, pursuant to 11 DCMR §§ 3100 and 3101, from a decision by the Zoning Administrator (ZA) of the Department of Consumer and Regulatory Affairs made April 10, 2012, to issue building permit No. B1206336 allowing the construction of a third-story roof deck, and a decision made June 5, 2012, to issue Building Permit No. B120969, which revised Permit No. B1206336, and allowed the relocation of an exterior stairwell connecting the existing second-story roof deck to the new third-story roof deck, all in the DC/R-4 District at premises 1530 Swann Street, N.W. (Square 191, Lot 76).

HEARING DATES: October 30, 2012, November 2, 2012, and December 4, 2012

DECISION DATE: February 12, 2013

RECONSIDERATION

DECISION DATE: January 7, 2014

ORDER DENYING RECONSIDERATION AND REHEARING

By order dated December 5, 2013, the Board denied an appeal submitted on June 11, 2012 by Edward V. Hanlon (the “Appellant”), challenging the Zoning Administrator’s (“ZA”) issuance of two building permits which allowed the construction of a two-story roof deck at 1530 Swann Street, N.W., located in the DC/R-4 District (Square 191, Lot 76) (the “Subject Property”). After a public hearing, the Board found that the ZA had not erred in issuing the building permits and that the appeal should be denied. The parties in the proceeding were the Appellant, the Department of Consumer and Regulatory Affairs (“DCRA”), and the owner of the Subject Property.

On December 16, 2013, the Appellant submitted a motion for reconsideration of the Board’s decision and for rehearing of the appeal. In the motion, the Appellant contended that the Board was misled as to a critical fact in the case, and therefore, erred in its decision to deny the appeal. The Appellant claimed that, though the two-story roof deck structure that is the subject of the appeal was described as DCRA’s counsel as being open and uncovered, photographs of the property demonstrate that part of the second-floor deck is covered by a roof. Because the deck is covered, the Appellant argued that the project was an “addition” requiring additional zoning relief and that the building permits were improperly issued. The Appellant also raised the issue that the structure was wrongfully constructed on the lot line and is situated on the adjacent lot at 1528 Swann Street, N.W. The Appellant provided photographs, taken after the case record was closed, in order to support his claims of unlawful construction. Finally, the Appellant argued that a rehearing is appropriate because the Appellant only recently acquired the close-up photographs of the roof over the second-story deck.

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On December 20, 2013, DCRA submitted a response to the motion, claiming that the Appellant's arguments for reconsideration were without merit and should be dismissed. DCRA argued that the existence of a roof over the second-story deck is not new evidence. Rather, documents in the record, including the Appellant's Pre-hearing Statement, contain references to this existing roof over the second-story deck. Further, DCRA claimed that the Appellant's argument that DCRA misled the Board by obscuring the truth about the presence of the roof was based on the misinterpretation on DCRA's testimony during the public hearing. In addition, DCRA noted that the unlawful construction issues raised by the Appellant would be a matter of enforcement under the jurisdiction of DCRA and not that of the Board.

On December 23, 2013, the Property Owner also submitted a response to the motion, contending that the Appellant had the opportunity to discuss the newly raised issues during the original hearing, but simply failed to do so. Further, the Property Owner noted that the roof over the second-story deck was mischaracterized by the Appellant. In his motion, the Appellant assumed that the roof structure was part of the new construction authorized by the two DCRA permits at issue; however, the Property Owner contended that the covered portion of the second-story deck was in existence before the aforementioned permits were issued.

At a public meeting on January 7, 2014, the Board voted to deny the Appellant's motion for reconsideration and rehearing.

CONCLUSIONS OF LAW AND DECISION

Pursuant to 11 DCMR § 3126.2, any party may file a motion for reconsideration of a decision of the Board, provided that the motion is filed within 10 days from the date of issuance of a final written order by the Board. In this case, the written order denying the appeal was issued on December 5, 2013 and the motion for reconsideration and rehearing was timely filed on December 16, 2013.

Pursuant to 11 DCMR § 3126.4, a motion for reconsideration must state specifically all respects in which the final decision is claimed erroneous, the grounds of the motion and the relief sought. A request for rehearing shall only be considered by the Board when new evidence is submitted that could not reasonably have been presented at the original hearing. (11 DCMR § 3126.6.)

The Board was not persuaded that the Appellant's motion provided a sufficient basis to reconsider its decision to deny the appeal. The Appellant claims that the Board was misled regarding the presence of a roof over the second-story deck on the Subject Property and that, because of the roofed structure, the construction authorized by the building permit should have been classified as an addition to a building under the Zoning Regulations. Such an addition, the Appellant argues, requires additional relief. The Appellant supports his argument with photographs showing a roof structure partially covering the second-floor deck on the Subject Property. The Appellant supports his contention that DCRA misled the Board as to this fact by

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citing to DCRA's testimony during the public hearing, in which DCRA's counsel stated that "the roof deck here is not covered."

The Board finds that the photographs of the roof over the second-story deck only serve to corroborate the narrative descriptions of the structure found in the record upon which the Board based its decision. These references to the roof over the second-story deck, including several mentions within the Appellant's own Pre-Hearing Statement, support the notion that the Appellant's photographs do not introduce new evidence that would justify reconsideration, but rather supplement existing evidence describing the structure. Further, the Board finds that the photographic evidence provided by the Appellant does not contradict the testimony of DCRA's counsel. The Board credits DCRA's explanation that the statement "the roof deck here is not covered," in its original context, referred to the uncovered third-story deck and not the covered second-story deck the Appellant discussed in this motion. Moreover, as the Property Owner clarifies, the Appellant mischaracterized the roofed structure, assuming that it was part of the project authorized by DCRA Building Permits No. B120969 and B1206336. The Board finds that the roofed portion of the second-story deck was in existence before these permits were issued and that the roof was considered by the ZA during the permitting process. Accordingly, the Board concludes that the Appellant's argument and evidence fail to show an error in the Board's decision.

Additionally, the Appellant argues that the deck was unlawfully constructed on the adjacent property's lot line. The veracity of this accusation aside, the Board does not have the jurisdiction to decide this issue. The alleged construction on the lot line would be a violation of D.C. Official Code § 6-404 (2012 Repl.), and not a violation of the Zoning Regulations. Pursuant to 11 DCMR § 3100.2, the Board has the authority to hear appeals "where it is alleged by the appellant that there is error in any order, requirement, decision, determination, or refusal made by any administrative officer or body ... in the administration or enforcement of the Zoning Regulations, Title 11 DCMR." Because the Appellant did not demonstrate that the Board's final decision was erroneous, as required by § 3126.4, the Board concludes that the Appellant's request for reconsideration must be denied.

Finally, the Board was not persuaded that the new evidence proffered by the Appellant could not reasonably have been presented at the original hearing. The Appellant notes that the close-up photographs of the second-story deck were only recently acquired, but does not explain why such evidence could not have reasonably been presented at the time of the original hearing. In any event, although the photographs may be new, the circumstance depicted were known at the time of the original hearing. Accordingly, the Board will not consider the Appellant's request for rehearing.

Accordingly, it is hereby **ORDERED** that the motion for **RECONSIDERATION** and **REHEARING** is **DENIED**.

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VOTE: 4-0-1 (Lloyd J. Jordan, S. Kathryn Allen, Jeffrey L. Hinkle, and Robert E. Miller (by absentee vote) to Deny; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: August 18, 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.

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

Application No. 18659 of Elodie Goirand and Andreas Xenophontos, pursuant to 11 DCMR § 3103.2 for a variance from the requirements for side yard under § 405.9 and a variance from the front yard setback requirements under § 1543.4 to allow construction of a front room at a one-family detached dwelling in the WH/R-1-B District at premises 4540 Lowell Street, N.W. (Square 1608, Lot 68)¹

HEARING DATE: November 19, 2013
DECISION DATE: January 29, 2014

DECISION AND ORDER

This self-certified application was submitted on August 23, 2013 by Elodie Goirand and Andreas Xenophontos (together, the “Applicant”), the owners of the property that is the subject of the application. As amended, the application requested an area variance from the side yard setback requirement of § 405.9 as well as an area variance from the front yard setback requirements of § 1543.4 of the Wesley Heights (WH) overlay district to allow construction of a front room at a one-family detached dwelling of the WH/R-1-B zone at 4540 Lowell Street, N.W. (Square 1608, Lot 68). Following a public hearing, the Board voted to approve the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated August 26, 2013, the Office of Zoning provided notice of the application to the Office of Planning (“OP”); the District Department of Transportation (“DDOT”); the Councilmember for Ward 3; Advisory Neighborhood Commission (“ANC”) 3D, the ANC in which the subject property is located; and Single Member District/ANC 3D01. Pursuant to 11 DCMR § 3112.14, on September 16, 2013, the Office of Zoning mailed letters providing notice of the hearing to the Applicant, ANC 3D, and the owners of all property within 200 feet of the subject property.

Party Status. The Applicant and ANC 3D were automatically parties in this proceeding. The Board granted a request for party status in opposition to the application from Peter and Sally Baker, who live in the dwelling immediately to the west of the Applicant’s property.

¹ The caption has been revised from that used in the public hearing notice in this case to reflect an amendment to the self-certified application requested by the Applicant to seek an area variance from the side yard setback requirement under § 405.9 rather than special exception approval under § 223 to allow an addition to a one-family dwelling not meeting the requirement for side yard under § 405.9.

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Applicant's Case. The Applicant provided evidence and testimony describing the renovation and enlargement of the one-family detached dwelling at the subject property, a project that was originally approved as an addition to a nonconforming structure but that subsequently gave rise to a need for zoning relief for a portion known as the "Front Room." According to the Applicant, the Department of Consumer and Regulatory Affairs ("DCRA") issued building permits for and performed inspections of the renovation project, but issued a notice to revoke the building permits after the Applicant demolished "a small area of original wall that was originally meant to be retained" but was removed, on the advice of a structural engineer, due to damage discovered once the project was underway. The Applicant stated that DCRA "recharacterized" the project as a "raze and new construction" due to the scope of demolition work undertaken by the Applicant, which was outside the scope of the approved permits, and noted that the Front Room could not be permitted as an addition to a nonconforming structure once the original dwelling had been removed.

While the majority of the Applicant's project complied with applicable zoning requirements for new construction, the Front Room portion – once it was no longer characterized as an addition to a nonconforming structure – required relief from zoning requirements for the minimum side yard and front yard setbacks. The Front Room was originally permitted to encroach into the required front and side yard setbacks as the replacement of a covered porch that was built as part of the original dwelling before the current Zoning Regulations went into effect. The Front Room, the sole portion of the Applicant's project that was at issue in this proceeding, would be constructed on the same footprint as the covered porch, and would have the same area (approximately 10 feet by 11 feet) but would be enclosed and would have a slightly lower roof than the covered porch. The Applicant stated that the principal purpose of the Front Room was to provide space for a bathroom on the first floor of the dwelling, and that a bathroom could have been provided elsewhere in the new construction, probably as a projection into the rear yard, but the re-use of the original footprint was considered the most efficient option.

OP Report. By memorandum dated November 12, 2013, OP recommended denial of variance relief from the setback requirements of § 405.9 for the side yard and § 1543.4 for the front yard.² The report stated that OP did not find specific uniqueness that imposed a practical difficulty that would be unnecessarily burdensome to the Applicant. According to OP, the Applicant's project, while "relatively modest," would "nevertheless have some impact on the character of the neighborhood and the goals of the WH overlay" by disrupting the pattern of setbacks on the block, which the overlay was designed to protect. (Exhibit 27.)

DDOT. By memorandum dated September 30, 2013, the District Department of Transportation indicated no objection to approval of the application. (Exhibit 24.)

² The OP report noted that the application originally requested special exception relief under § 223 for the proposed side yard, instead of a variance from § 405.9, but stated that the Zoning Administrator considered the Applicant's project one of "new construction" since the entire one-family dwelling had been demolished, and therefore the Front Room project was not eligible for relief as an addition under § 223.

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ANC Report. By letter dated November 12, 2013, ANC 3D indicated that, at a properly noticed public meeting, held November 6, 2013 with a quorum present, the ANC voted 10-0-0 “to deny approval” of the application. The letter states that the ANC’s vote was based on factors including that the Applicant’s “construction deviated from approved construction plans” and the determinations by the Zoning Administrator that “the property was a raze, not a renovation/addition” and that the Applicant “knowingly exceeded the scope of the construction permit.” According to ANC 3D, the Applicant “has not met the burden for variance relief (§ 3103.2) for either the front yard or side yard setback restrictions in that the applicant has not identified any undue hardship or exceptional difficulties that would justify variance relief, nor has the Applicant “met the burden for variance relief of the Wesley Heights Overlay District (WHOD) ... in that the new structure visibly intrudes upon the harmonious design of houses falling within the Wesley Heights Overlay District, reduces the access to air and light of the neighboring property, including their ability to add to their property within existing zoning rules; and the new structure is inconsistent with provisions of the Zoning Regulations for the Wesley Heights Overlay District.” (Exhibit 28.)

Party in opposition. The party in opposition argued that, by “razing the existing structure,” the Applicant had “forfeited the legally nonconforming classification of the residence and with it, the reduced setback requirement,” so that the new construction must comply with the eight-foot side yard setback requirement of § 405.9. The party in opposition objected that the Applicant’s “illegal construction...has decreased the space” between the two dwellings while the party in opposition was “entitled to the side yard prescribed by § 405.9 and the light and air it affords their residence.” According to the party in opposition, the Applicant’s project would not comply with the front and side yard setback requirements and, as a result, has “significantly degraded the amount of light and air previously afforded [the party’s] residence,” with a design that was “both out of compliance with the applicable zoning provisions and is not harmonious with the neighborhood as a whole.” (Exhibit 25.) The party in opposition contended that the open nature of the now-removed covered porch had allowed light to pass through it to the neighboring property, while the Applicant’s proposed Front Room would block light and air.

Persons in support. The Board received letters in support of the application from persons living in the vicinity of the subject property. The letters urged approval of the application, stating that the addition was previously a covered porch, built on the original footprint, and was not likely to have a negative impact on other properties.

Person in opposition. The Board heard testimony in opposition to the application from George Watson, testifying on behalf of the Wesley Heights Historical Society. He described the historical background of the Wesley Heights overlay district, and asserted that the application should be denied because the Front Room would not be consistent with the purpose and intent of the overlay to preserve the current density of the neighborhood, allow reasonable opportunities for owners to expand their dwellings, and preserve access to light and air and the harmonious design and attractive appearance of the neighborhood.

BZA APPLICATION NO. 18659**PAGE NO. 4****FINDINGS OF FACT****The Subject Property**

1. The subject property is an interior lot located on the south side of Lowell Street, N.W. near its intersection with Foxhall Road (Square 1608, Lot 68).
2. The subject property was previously improved with a two-story one-family detached dwelling built around 1930, before the 1958 Zoning Regulations became effective. The original dwelling had a covered front porch at its northwest corner. The porch was open, with columns supporting a peaked roof. After a renovation and enlargement project undertaken by the Applicant, the property is now improved with a new three-story one-family detached dwelling. As part of the project, the Applicant proposes to replace the porch with a new enclosed room, known as the Front Room.
3. The subject property is a rectangular parcel 50 feet wide and 150 feet deep, with an area of 7,500 square feet.
4. The lots abutting the subject property to the east and south have similar dimensions, while the two lots fronting on Lowell Street to the west of the subject property are relatively shallow and wider. Two large lots, fronting on Foxhall Road, abut the subject property to the west. All of the surrounding parcels are improved with one-family detached dwellings.
5. The property abutting to the west, owned by the party in opposition, is relatively small at 75 feet wide and 50 feet deep, with an area of 3,750 square feet where a minimum of 5,000 square feet is required.
6. The subject property and other lots in the immediate vicinity are zoned R-1-B. Since 1992, Square 1608, including the subject property, has been included within the Wesley Height overlay district. (*See Z.C. Order No. 718, Case No. 90-5, effective September 11, 1992*).
7. The Wesley Heights overlay district requires that all residential buildings must have a front yard setback not less than “the average setback of all structures on the same side of the street in the block where the building in question is located.” (11 DCMR § 1543.4.)
8. The mapping of the Wesley Heights overlay district created a nonconforming structure at the subject property since the front yard setback of the original front porch was two feet, four inches where, pursuant to the overlay district, a front yard setback of at least 13 feet is required.
9. The Applicant’s dwelling and an accessory building located in the rear yard create a lot occupancy of 30%. The rear yard is 88 feet deep, while the side yards are eight feet on the east and 3.7 feet on the west. A minimum of eight feet for each side yard is required pursuant to § 405.9.

BZA APPLICATION NO. 18659**PAGE NO. 5****The Applicant's Project**

10. After living at the subject property for 18 years, the Applicant began a project to renovate and enlarge the dwelling on the subject property. As part of the renovation project, the Applicant planned to replace a covered front porch, located at the northwest corner of the dwelling, with an enclosed room known as the "Front Room." The Front Room would be built on the same footprint and have the same dimensions (10.4 feet by 10.9 feet) as the porch, and would serve primarily to provide space for a first-floor bathroom at the dwelling.
11. The Applicant's project was initially considered an addition to the original dwelling; however, because of the degree of demolition ultimately undertaken by the Applicant, the nature of the development changed such that the project was considered new construction. After beginning the renovation project, the Applicant discovered that a 15-foot long portion of a structural wall, which the Applicant had expected to retain, was not viable due to damage caused by moisture, rot, and termite activity. This wall was unrelated to the Front Room.
12. The plans submitted with the Applicant's permit applications indicated that some demolition of the existing dwelling was proposed at the subject property, but the planned demolition did not encompass the structural wall at issue. Acting on the advice of a structural engineer who determined that the wall was structurally insufficient, the Applicant demolished the wall in February 2013. Because the Applicant did not seek to amend the permit to reflect the additional demolition, the project exceeded the scope of the authorized demolition. The Zoning Administrator subsequently determined that, due to the scope of demolition, the Applicant's project should be considered a raze and new construction, rather than modification of a nonconforming structure. As a result, the Front Room could not be considered an addition to a nonconforming dwelling that could be constructed as a matter of right, but required zoning relief. Construction of the Front Room was substantially completed before the Zoning Administrator issued a final written determination that the project was considered new construction because of the degree of demolition undertaken by the Applicant.
13. The one-story Front Room will be built on the same footprint and have the same dimensions (10.4 feet by 10.9 feet) as the porch. The Front Room will have a side yard of 3.7 feet along its side length (that is, 10.9 feet), where a minimum of eight feet is required under § 405.9. The Front Room will also have a front yard setback of two feet, four inches along its front length (that is, 10.4 feet), where a minimum of 13 feet is required under § 1543.4. The roof of the new Front Room will be approximately one foot lower than the roof that covered the porch.
14. The Applicant's project increased both the height and density of the dwelling at the subject property. Other than the Front Room portion, the project was undertaken within matter-of-right limits set forth in the Zoning Regulations. The height of the dwelling will not exceed the applicable maximums of 40 feet and three stories. (11 DCMR § 400.1.) Lot occupancy

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after completion of the project will be 28.8%, where a maximum of 30% is permitted as a matter of right. (11 DCMR §§ 403.2, 1543.2.) The rear yard setback will be 88 feet where a minimum of 25 feet is required. (11 DCMR § 404.1.)

15. Like the prior front porch, the Front Room will be located at the northwest corner of the dwelling, which has been enlarged by the Applicant's renovation project. The Applicant submitted shadow studies showing that the shadow cast by the three-story dwelling would encompass any shadow that would otherwise be created by the Front Room.
16. After completion of the project, the Applicant's dwelling will be three stories and almost 40 feet in height. The Applicant estimated its prior height at two stories and about 25 feet. The Applicant's dwelling is sited approximately 7.5 feet above street level.
17. As part of the Applicant's project, a nonconforming portion of the dwelling, located behind the Front Room, was removed. That portion had the same nonconforming side yard setback as the Front Room (that is, 3.7 feet) for a distance of approximately seven feet. The renovation project reduced the length of the non-conforming side yard on the western side by removing a portion, approximately seven feet by 4.7 feet in dimension, of the existing dwelling that was located just behind the covered porch.

Harmony with Zoning

18. The R-1 District is designed to protect quiet residential areas now developed with one-family detached dwellings and adjoining vacant areas likely to be developed for those purposes. (11 DCMR § 200.1.) Zoning provisions applicable in the R-1 zone are intended to stabilize the residential areas and to promote a suitable environment for family life. (11 DCMR § 200.2.)
19. The Wesley Heights (WH) overlay district was established to preserve and enhance the low density character of Wesley Heights by regulating construction and alteration of residential and other buildings in the area. (11 DCMR § 1541.1.) The purposes of the overlay district include to: (a) preserve in general the current density of neighborhood; (b) allow reasonable opportunities for owners to expand their dwellings; and (c) preserve existing trees, access to air and light, and the harmonious design and attractive appearance of the neighborhood. (11 DCMR § 1541.3.)

CONCLUSIONS OF LAW AND OPINION

The Applicant seeks area variances from the side yard setback requirement of § 405.9 and the front yard setback requirement of § 1543.4 of the Wesley Heights overlay district to allow construction of a front room at a one-family detached dwelling at 4540 Lowell Street, N.W. (Square 1608, Lot 68). The Board is authorized under § 8 of the Zoning Act to grant variance relief where, "by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional

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topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,” the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. (*See* 11 DCMR § 3103.2.)

Based on the findings of fact, the Board finds that the application satisfies the requirements for the requested variance relief. The subject property is faced with an exceptional situation or condition, such that the strict application of the Zoning Regulations would result in practical difficulty to the Applicant as the owner of the property, due to the belated discovery of a structurally deficient wall, the removal of which caused the re-characterization of the Applicant’s renovation project as new construction that must comply with current zoning requirements rather than an addition to a nonconforming structure built before the Zoning Regulations went into effect. The damaged nature of the wall was not apparent until after the Applicant began a project to renovate and enlarge the dwelling in a manner that did not require zoning relief. But for the removal of the wall, the entire project, including the enclosure of the covered porch to create the Front Room, could have been undertaken as a matter of right as the renovation of a legally nonconforming structure. The Applicant demolished the wall, which was not related to the Front Room, on the advice of a structural engineer once the wall was found to have been extensively damaged and therefore no longer viable as a structural element of the building. By the time the wall was removed, the Applicant’s project was well underway. Absent variance relief, the Applicant would have been required to revise the renovation project to eliminate the planned first-floor bathroom, which was the principal purpose of the Front Room, or to incur considerable expense in redesigning the renovation and redoing the construction to remove the enclosed Front Room and creating a new room to serve the same function elsewhere on the first floor of the dwelling, likely in the rear yard, instead of reusing the existing footprint of the former covered porch.

The party in opposition argued that the subject property did not face any exceptional situation given that the Applicant’s lot was rectangular and located in a neighborhood where front porches and tear-downs were not uncommon. This argument does not address the particular significance of the belated demolition that occurred on the Applicant’s property, which altered the project from one that could have been undertaken as a matter of right to new construction that required compliance with current zoning standards or variance relief from those requirements.

The requested variance relief can be granted without causing substantial detriment to the public good. The Front Room will be a one-story addition built within the same footprint as a covered porch that existed since the dwelling was constructed around 1930. Based in part on the shadow studies submitted to the record by the Applicant, the Board finds that the addition will have no impact on the light, air, or privacy of the neighboring properties, including the residence of the party in opposition located immediately to the west of the subject property. The Board was not persuaded by the party in opposition that the previous open porch “allowed a significant amount of light and air onto the...front yard” of the neighboring dwelling but that “[n]ow that the open-

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air porch has been replaced with an enclosed portion of new construction...the light and air previously enjoyed by [the party in opposition] has been severely reduced.” (Exhibit 25.) Rather, the Board concludes that any effect on light, air, and privacy created by the dwelling at the subject property is due to its recent enlargement, which was undertaken as a matter of right by the Applicant, and is not attributable to the enclosure of a relatively small room at the northwest corner of the dwelling.

The requested variance relief can also be granted without causing substantial impairment of the zone plan. But for the re-characterization of the project as new construction, the Front Room could have been created as a matter of right as the enclosure of a nonconforming porch. The requested variances are consistent with both the R-1 District, which was designed to protect quiet residential areas and promote a suitable environment for family life, and the Wesley Heights overlay district, which is intended to preserve the existing density, access to air and light, and the harmonious design and attractive appearance of the neighborhood while allowing reasonable opportunities for owners to expand their dwellings.

The Board is required to give “great weight” to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2001).) In this case, as discussed above, the Board does not concur with OP’s conclusion that the application did not present a specific uniqueness that would impose a practical difficulty that would be unnecessarily burdensome to the Applicant, and thus the Board was not persuaded by OP’s recommendation that the application should be denied. OP did not anticipate that the Applicant’s “relatively modest” project would cause substantial detriment to the public good, but did assert that the Front Room would “nevertheless have some impact on the character of the neighborhood and the goals of the WH overlay” by disrupting the pattern of setbacks on the block. The Board does not agree, primarily because the Front Room will occupy the same space as the prior nonconforming covered porch, which was already in existence when the overlay went into effect, and thus will not alter the pattern of setbacks on the block.

The Board is also required to give “great weight” to the issues and concerns raised by the affected ANC. (Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2001)).) In this case, ANC 3D voted to oppose the Applicant’s request for zoning relief, partly on grounds related to construction undertaken by the Applicant outside the scope of permits issued for the project, which is a violation of the Construction Codes, not the Zoning Regulations. For the reasons discussed above, the Board does not agree with the ANC’s assertion that the Applicant has not satisfied the burden for variance relief from either the front or side yard setback requirements. Similarly, the Board does not concur with the ANC’s contentions that the proposed Front Room would intrude on the “harmonious design of houses” or otherwise conflict with the Wesley Heights overlay district, reduce the light or air available to neighboring properties, or diminish the ability of owners of neighboring properties “to add to their propert[ies] within existing zoning rules.”

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Based on the findings of fact and conclusion of law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for an area variance from the side yard setback requirement of § 405.9 as well as an area variance from the front yard setback requirements of § 1543.4 of the Wesley Heights (WH) overlay district to allow construction of a front room, replacing a prior covered porch, at a one-family detached dwelling of the WH/R-1-B zone at 4540 Lowell Street, N.W. (Square 1608, Lot 68). Accordingly, it is **ORDERED** that the application (pursuant to Exhibit 10 – Plans) is **GRANTED**.

VOTE: 3-0-2 (Lloyd J. Jordan, S. Kathryn Allen, and Robert E. Miller voting to Approve; Jeffrey L. Hinkle not present, not voting; one Board seat vacant.)

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

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: August 14, 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.

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IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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

Application No. 18673 of Michael and Sarah Henry, pursuant to 11 DCMR § 3103.2, for a use variance from 11 DCMR § 330.5, to allow office, professional services, and/or photographic studio use in a one family row dwelling in the CAP/R-4 District at premises 325 Maryland Ave., N.E. (Square 784, Lot 36).

HEARING DATE: December 18, 2013

DECISION DATE: December 18, 2013

DECISION AND ORDER

This application was submitted on September 26, 2013 by Michael and Sarah Henry (“Applicants”), the owners of a one-family row dwelling in the CAP/R-4 District at 325 Maryland Ave., N.E., the property for which the use variance is sought (“subject property”). The Applicants requested that the Board of Zoning Adjustment (“Board”) grant a use variance to allow the use of the subject property for office, professional services, and/or photographic studio use.

The Board held a public hearing on the application on December 18, 2013. At the close of the hearing, and for the reasons that follow, the Board voted 4-0-1 to deny the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated September 27, 2013, the Office of Zoning (“OZ”) sent notice of the filing of the application to the D.C. Office of Planning, the D.C. Department of Transportation, Advisory Neighborhood Commission (“ANC”) 6C, the ANC in which the subject property is located, the member for Single Member District 6C02, and the Council Member for Ward 6. Pursuant to 11 DCMR § 3113.13, OZ published notice of the hearing in the *D.C. Register* and on October 7, 2013, mailed such notice to the Applicant, ANC 6C, and all owners of property within 200 feet of the subject property.

Request for Party Status. ANC 6C was automatically a party to this application. The Board granted the party status application of Bill Manville, the owner of an adjacent property, in opposition to the application.

Applicants’ Case. The Applicants submitted two statements in support of their Application (Exhibits 4 and 33) and presented their case at the hearing. The Applicants indicated that they purchased the subject property in the year 2000 and spent significant sums of money making historically compatible improvements in the house. Their two children are now six and nine and

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the Applicants have concluded that their growing family needs more outside space. They therefore decided to purchase a new house, but still retain ownership of the subject property to “protect[] their time and financial investment”. (Exhibit 4.) However, the Applicants concluded that they could not afford two properties unless the subject property generated revenue and that rental for residential purposes would not generate the minimum revenue stream needed. The Applicants identified the least intensive non-residential uses that could provide the needed revenue and asked the Board to approve those uses.

Government Reports. The Office of Planning (“OP”) filed a report with the Board on December 3, 2013 (Exhibit 33) recommending denial of the variance because the Applicants had not established an exceptional condition nor proved any relationship between the purported exceptional conditions and an undue hardship. OP further concluded that the Applicant's proposal contravened the District's zone plan and creating a detriment to the public good.

The Architect of the Capitol submitted a report dated November 23, 2013. The report stated that the Architect of the Capitol found that the requested variance “would not be consistent with the intent of the CAP/R-4 District (Overlay) and would adversely affect the health, safety, and general welfare of the U.S. Capitol Precinct” and “is not consistent with the general provisions of the R-4 residential district and as such would not be consistent with the goals and mandates of the United States Congress as stated in [11 DCMR § 1200.1] to protect the public interest and retain the character of the overlay district.” (Exhibit 35.)

ANC Report. ANC 6C filed a report dated November 18, 2013, recommending denial of the variance because it did not see evidence of the financial hardship that would support a use variance. (Exhibit 28.)

FINDINGS OF FACT

1. The subject property is located at address 325 Maryland Avenue, N.E., Square 784, Lot 36 and is located in the CAP/R-4 Zone District.
2. The subject property is rectangular in shape, has no significant grade changes, and is improved with a two-story row dwelling constructed in 1880 and was last renovated in 2000.
3. The Applicants propose to lease the row dwelling for office, professional services, and/or photographic studio use.
4. The proposed uses are not permitted in R-4 Districts, necessitating the use variance requested. (*See*, 11 DCMR § 350.4.)
5. The subject property is located approximately mid-block in a row of several similarly sized and shaped lots.

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6. The adjacent properties are improved with two- and three-story row dwellings similar in size to the subject property. Several nearby homes are used for commercial purposes including two directly across the street.
7. The original building permit for the subject property, issued in 1880, prior to the adoption of the Zoning Act in 1920, authorized construction of a blacksmith shop. However, the present dwelling contains no characteristic of a blacksmith shop, but is in all respects a one-family dwelling.
8. When the Applicants purchased the property in 2000, it was used as a flat, which is a matter-of-right use in the CAP/R-4 Zone.
9. The Applicants renovated the property and, since 2000, they have used it as a one-family dwelling, also a matter-of-right use in the CAP/R-4 Zone.
10. In total, the Applicants expended approximately \$500,000 to accomplish the renovations, which were undertaken in a manner that was sensitive to the historic character of the neighborhood.
11. The Applicants have two young children and desire to purchase to a home in the District with more outside space.
12. The Applicants wish to retain ownership of the subject property thereby “protecting their time and financial investment”. (Exhibit 4.)
13. However, the Applicant’s concluded that they did “not have the financial wherewithal to afford two properties without one generating revenue.” (Hearing Transcript (“Tr.”), December 18, 2013, p. 40.)
14. After consulting two of the largest rental realty firms in Capitol Hill, the Applicants concluded that the residential rental of their home would not generate sufficient revenue to allow them to both purchase a new home and retain ownership of the subject property, but that non-residential rental would. The Board accepts this conclusion.
15. The Applicants acknowledge that they can continue to live in their present house or sell it.
16. The R-4 District is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two or more families. (11 DCMR § 330.1.) The primary purpose of the R-4 District is the stabilization of remaining one-family dwellings. (11 DCMR § 330.2.)
17. The Capitol Interest Overlay District is established to promote and protect the public health, safety, and general welfare of the U.S. Capitol precinct and the area adjacent to this jurisdiction in a manner consistent with the goals and mandates of the United States

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Congress in title V of the Legislative Branch Appropriations Act, 1976, (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288) and in accordance with the master plan promulgated under the Act. (11 DCMR § 1200.1.)

CONCLUSIONS OF LAW

The Board is authorized to grant variances from the strict application of the Zoning Regulations to relieve difficulties or hardship where “by reason of exceptional narrowness, shallowness, or shape of a specific piece of property ... or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition” of the property, the strict application of the Zoning Regulations would “result in particular and exceptional practical difficulties to or exceptional or undue hardship upon the owner of the property....” (D.C. Official Code § 6-641.07(g)(3) (2012 Repl.), 11 DCMR § 3103.2.) The “exceptional situation or condition” of a property can arise out of the structures existing on the property itself. See, e.g., *Clerics of St. Viator v. D.C. Board of Zoning Adjustment*, 320 A.2d 291, 293-294 (D.C. 1974). Relief can be granted only “without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.” (D.C. Official Code § 6-641.07(g)(3) (2012 Repl.), 11 DCMR § 3103.2.)

A showing of “practical difficulties” must be made for an area variance, while the more difficult showing of “undue hardship,” must be made for a use variance. *Palmer v. D.C. Board of Zoning Adjustment*, 287 A.2d 535, 541 (D.C. 1972). The Applicants in this case are requesting a use variance, therefore, they had to demonstrate an exceptional situation or condition of the property and that such exceptional condition results in an “undue hardship” to the Applicants.

The District of Columbia Court of Appeals has interpreted “undue hardship” to mean that a property cannot be put to any use for which it can be reasonably adapted. *Palmer v. D.C. Bd. of Zoning Adjustment*, 287 A.2d 535, 542 (D.C. 1972). (“A use variance cannot be granted unless a situation arises where reasonable use cannot be made of the property in a manner consistent with the Zoning Regulations.”) *Accord, Bernstein v. D.C. Bd. of Zoning Adjustment*, 376 A.2d 816, 819-820 (D.C. 1977). A zoning variance cannot be granted on the basis of the property owner’s personal circumstances, but must be based on the unique circumstances of the property itself. *Capitol Hill Restoration Society, Inc. v. D.C. Bd. of Zoning Adjustment*, 398 A.2d 13, 15-16 (D.C. 1979). Finally, an “inability to put property to a more profitable use or loss of economic advantage is not sufficient to constitute hardship.” *Palmer* 287 A.2d at 542.

Exceptional Condition

The Applicants fail to meet the requisite “exceptional condition” test because neither of the factors cited by the Applicants are exceptional conditions of the property.

The mere fact that the original building permit authorized a commercial use is not an exceptional condition of the property. It is not unusual for current residential properties to have started out as

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commercial uses. The factor is only relevant if the initial construction precludes the establishment of a matter of right use. Clearly that is not the case here. The property functioned successfully as a flat for many years and was successfully renovated to a one-family dwelling.

Nor is Applicant's investment in renovating the property an exceptional condition. The cost of the renovation has not prevented the Applicants from maintaining the residential nature of the building and in fact was expended to retain that characteristic. It is not unusual in this and other/historic District neighborhoods for home purchasers to spend considerable sums to make 19th century dwellings serve 21st century needs.

Undue Hardship

The Applicants also fail to meet the requisite "undue hardship" test because they have not shown that strict application of the Zoning Regulations would preclude the use of the property for *any* purpose for which it may be reasonably adapted. During the hearing, Mr. Henry conceded that there was no impediment to the continued residential use of the building, but that such continued use stymied his family's ability to move to a new home and still retain ownership of the subject property. He testified:

I guess the point I'm trying to make is that we can use it as we have been using it, or we can sell it; there aren't additional uses that are practical or economic that are available to us in the R-4 District. We couldn't keep it and rent it out; we could stay living in it or sell it is really our choices without a variance.

(Tr. at 60.)

As noted, a use variance may only be granted upon a showing "that strict application of the Zoning Regulations would preclude the use of the property for any purpose to which it may be reasonably adapted." *Bernstein v. D.C. Bd. of Zoning Adjustment*, 376 A.2d 816, 819-820 (D.C. 1977) The fact that the Applicants have the "choices" to use or sell the property for residential purposes precludes their application from being granted. In essence, the Applicants' request stems from an understandable, but personal sentiment; the Applicants spent considerable time and money to successfully renovate this house and wish to be able to continue to protect these investments. Yet, the property is uncontrovertibly suitable for residential use and therefore residential it must remain.

As to the final element of the variance test, the Board concurs with the Office of Planning that granting the variance would result in substantial detriment to the public good, and would substantially impair the intent, purpose, and integrity of the zone plan. Permitting the conversion of this dwelling into a commercial use is directly contrary to the primary purpose of the R-4 Zone, namely "the stabilization of remaining one-family dwellings." (11 DCMR § 330.2.) Applicants' assertion that such commercial uses already exist in nearby homes only demonstrates the need to prevent further erosion to the residential character of the neighborhood, which clearly would result in substantial detriment to the public good.

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The Board is also persuaded by the Architect of the Capitol that the requested variance would not be consistent with the intent of the CAP/R-4 District Overlay; would adversely affect the health, safety, and general welfare of the U.S. Capitol Precinct; and is not consistent with the general provisions of the R-4 residential district. As such, granting the variance would not be consistent with the goals and mandates of the United States Congress to protect the public interest and retain the character of the overlay district.

The Board is required to give “great weight” to issues and concerns raised by the affected ANC and to the recommendations made by the Office of Planning. D.C. Official Code §§ 1-309.10(d) and 6-623.04 (2012 Repl.) Great weight means acknowledgement of the issues and concerns of these two entities and providing a written explanation as to why the Board did or did not find their views persuasive. Both ANC 6C and the Office of Planning recommended denial of the application and the Board agrees.

For all the reasons set forth above, the Board concludes that the Applicants have failed to satisfy the burden of proof with respect to an application for a use variance from § 330.5, pursuant to § 3103.2. Accordingly, it is **ORDERED** that the application is **DENIED**.

VOTE: **4-0-1** (Lloyd J. Jordan, S. Kathryn Allen, Jeffrey L. Hinkle, and Peter G. May to Deny; one Board seat vacant).

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

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: August 11, 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.

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

Application No. 18675 of David and Cathy Brooker, pursuant to 11 DCMR § 3103.2, for a variance from the floor area ratio limitation under § 402.4, a variance from the lot occupancy requirements under § 403.2, a variance from the minimum rear yard requirements under § 404.1, a variance from closed court width and area requirements of § 406.1, and a variance to increase the existing nonconforming aspects of the building under § 2001.3 to allow the construction of two-story carriage house garages in the DC/R-5-B Zone District at premises 1617 and 1619 19th Street, N.W. (Square 134, Lots 18 & 19).

HEARING DATE: December 18, 2013
DECISION DATE: December 18, 2013

DECISION AND ORDER

This self-certified application was submitted on September 27, 2013 by David and Cathy Brooker (the “Applicant”), the owners of the property that is the subject of the application. The application requests an area variance from requirements applicable to floor area ratio (“FAR”) under § 402.4, lot occupancy under § 403.2, rear yard under § 404.1, closed court width and area under § 406.1, as well as enlargement of a nonconforming structure under § 2001.3 in the DC/R-5-B Zone District at 1617 and 1619 19th Street, N.W. (Square 134, Lots 18 & 19) (the “Subject Property”). Following a public hearing, the Board voted to deny the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated October 1, 2013, the Office of Zoning provided notice of the application to the Office of Planning (“OP”); the District Department of Transportation (“DDOT”); the Councilmember for Ward 2; Advisory Neighborhood Commission (“ANC”) 2B, the ANC in which the subject property is located; and Single Member District/ANC 2B-03. Pursuant to § 3113.13, the Office of Zoning mailed letters on August 22, 2013 providing notice of the hearing to the Applicant, ANC 2B, and the owners of all property within 200 feet of the subject property. Notice of hearing was published in the *D.C. Register* on October 11, 2013 (60 DCR 14615).

Party Status. The Applicant and ANC 2B were automatically parties to this proceeding. John D. Hassell, the adjacent property owner, submitted a request for party status in support of the application in which he expressed concerns about the impacts of the construction process on his property. (Exhibit 24.) The Board denied his party status request as his concerns were not related to the zoning relief and as he intended only to make a brief statement in support of the application.

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Applicant's Case. The Applicant provided evidence and testimony describing the proposed two-story carriage house garage additions and asserted that the application satisfied the requirements for area variance relief. The Applicant argued that the prior demolition of the carriage houses that had once been on the property, as well as the structures' existing nonconformities, constituted an exceptional condition. The Applicant claimed that these circumstances would cause a practical difficulty, as constructing an addition that conforms to the Zoning Regulations would be more costly. Further the Applicant argued that the carriage house additions were necessary to provide additional living space and a secure garage so that the Applicant can "age in place." Finally, the Applicant provided evidence of support from the Historic Preservation Review Board, adjacent property owners, and neighborhood groups to show that the project would have no negative impacts on the surrounding neighborhood.

OP Report. By memorandum dated November 26, 2013, OP recommended denial of the requested relief. OP indicated that, although the proposed construction would not cause harm to the public good or the zoning plan, the Applicant did not demonstrate that the property is constrained by an exceptional condition that causes a practical difficulty. (Exhibit 25.)

DDOT Report. By memorandum dated December 3, 2013, the DDOT indicated that it had no objection to the relief requested. (Exhibit 27.)

ANC Report. By letter dated October 14, 2013, ANC 2B indicated that it discussed the application at its properly noticed meeting on October 9, 2013. With a quorum present, the ANC voted 8-0-1 to support the application. (Exhibit 22.) Two representatives of ANC 2B, Stephanie Maltz and Leo Dwyer, testified during the hearing about the ANC's deliberations on the matter and noted that the ANC's support for the relief requested was based on factors such as the benefit to the neighborhood, the modest increase in density, and the project's design.

Persons in support. John D. Hassell, owner of the adjacent property located at 1621 19th Street, N.W., testified in support of the application. Mr. Hassell expressed no concerns about the proposed addition itself, but raised his concerns about how the construction process might cause disturbances and security risks to the tenants of his property. Whit Fletcher, owner of 1611 19th Street, N.W., also testified in support of the proposed development. The Board also received seven letters of support from neighboring property owners. (Exhibit 26, exhibit C).

FINDINGS OF FACT

1. The property includes two adjacent rectangular lots that are located on the east side of 19th Street, N.W. between Corcoran Street, N.W. and Q Street, N.W. at 1617 and 1619 19th Street, N.W. (Square 134, Lots 18 & 19) (the Subject Property). Each lot contains 1608 square feet of land area and is approximately 16 feet wide. Both lots are level and flat.

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2. The Subject Property is improved with a three-story, three-unit apartment building on Lot 18 at 1617 19th Street, N.W. and a three-story, one-family, owner-occupied residence on Lot 19 at 1619 19th Street, N.W.
3. The Subject Property is mapped within the Dupont Circle Overlay District (DC) and is zoned R-5-B.
4. The Dupont Circle overlay is intended to preserve and enhance "a unique resource to the District of Columbia" through retention of "its low scale, predominately residential character, independent small retail businesses, human scale streetscapes, and historic character, given the high-density development pressures caused by the proximity of the Central Employment Area and Dupont Circle Metrorail Station." (11 DCMR § 1501.1.)
5. The R-5 districts are general Residence districts designed to permit flexibility of design by permitting, in a single district, all types of urban residential development if they conform to the height, density, and area requirements. (11 DCMR § 350.1.) The R-5-B Zone District permits a moderate height and density. (11 DCMR § 350.2.)
6. The Subject Property is surrounded by similar row dwellings, which are used as one-family dwellings or apartment houses. To the rear of the Subject Property is a public alley.
7. The Subject Property is nonconforming with regard to lot occupancy. Subsection 403.2 requires dwellings in the R-5-B Zone District to have a maximum lot occupancy of 60%. The structure on Lot 18 has a lot occupancy of 66% and the structure on Lot 19 has a lot occupancy of 67%.
8. The Subject Property is also nonconforming as to open and closed court requirements. Subsection 406.1 requires a closed court, when provided, to have a minimum area of 350 square feet. Lot 19 provides a closed court with an area of 37 square feet. Subsection 406.1 also requires that an open court have a minimum width of six feet. Lot 18 provides an open court that measures 4.5 feet wide.
9. The Applicant provided an analysis of 50 surrounding properties within the R-5-B Zone District, demonstrating that 40 of those properties contain nonconforming structures. Many of these structures are nonconforming in terms of floor area ratio (FAR), lot occupancy, rear yard, and/or court requirements.
10. The Subject Property once contained two-story carriage houses in the rear yard, but the structures were demolished over 70 years ago.
11. Some residences in the neighborhood have retained their original carriage house structures, including the four properties to the south; however, many carriage houses in the Dupont

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Circle area have been similarly demolished. The adjacent property at 1621 19th Street, N.W. lacks its original carriage house.

12. The Applicant proposes to construct two-story carriage house structures on Lot 18 and Lot 19, each with a connection to the principal structure on the lot. The carriage house addition would contain a garage on the first level, studio living space on the second level, and a green roof.
13. The Applicant proposes to demolish an existing addition to the main structure on Lot 18 and to remove a rear deck and carport from the main structure on Lot 19. The Applicant would also install an elevator within the existing open and closed court adjacent to the north side of the structure on Lot 19.
14. The gross floor area of the finished project would equal 3,365 square feet on Lot 18, which equals a FAR of 2.09. The gross floor area on Lot 19 would equal 3,597 square feet, with a FAR of 2.24. Subsection 402.4 dictates that the maximum FAR for properties in the R-5-B Zone District is 1.8.
15. The proposed construction will increase the lot occupancy to 77% on Lot 18 and 88% on Lot 19. The maximum lot occupancy permitted in the R-5-B Zone District is 60%. (11 DCMR § 403.2.)
16. The carriage houses would be located at the rear lot line, and accordingly, no rear yard would be provided for either lot. Subsection 404.1 requires each lot to have a rear yard with a depth of at least 15 feet.
17. The area between the proposed carriage house structure and the rear of the main structure would be a closed court, measuring 373 square feet on Lot 18 and 134 square feet on Lot 19. The closed courts would be approximately 10 feet wide for both lots. Subsection 406.1 requires that closed courts, where provided, must have an area of at least 350 square feet and a width of at least 15 feet.
18. The proposed additions would increase the existing nonconformities with regard to lot occupancy and closed court, therefore the project requires relief from § 2001.3.
19. The Applicant wishes to construct the proposed additions because the closed garage would enhance security, the additional space would create more storage for both buildings, and the plan allows for private green space. In addition, the Applicant plans to use the living space created by the second-level garage addition to house a caretaker or family member in the future.
20. The construction of the carriage house additions, with the requested relief, would cost approximately \$236 per square foot. The construction costs would increase to \$900 per

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square foot without the requested relief, as compliance with the zoning regulations would require the demolition of the back portion of the existing structures on each lot.

CONCLUSIONS OF LAW AND OPINION

The Applicant requests area variances from the floor area ratio (FAR) limitation under § 402.4, the lot occupancy requirements under § 403.2, the minimum rear yard requirements under § 404.1, the closed court width and area requirements of § 406.1, as well as an area variance to increase the existing nonconforming aspects of the building under § 2001.3 to allow the construction of two-story carriage house garages in the DC/R-5-B Zone District at premises 1617 and 1619 19th Street, N.W. (Square 134, Lots 18 & 19). The Board is authorized under § 8 of the Zoning Act of 1938, D.C. Official Code § 6-631.07 (g)(3) (2012 Repl.) to grant variance relief from the strict application of the Zoning Regulations. As noted by the District of Columbia Court of Appeals:

An applicant must show, first, that the property is unique because of some physical aspect or “other extraordinary or exceptional situation or condition” inherent in the property; second, that strict application of the zoning regulations will cause undue hardship or practical difficulty to the applicant; and third, that granting the variance will do no harm to the public good or to the zone plan.

Capitol Hill Restoration Society v. District of Columbia Bd. of Zoning Adjustment, 534 A.2d 939, 941 (D.C. 1987).

When determining whether the property is subject to an exceptional condition, the Board must find that there are “unique circumstances peculiar to the applicant’s property” and that these circumstances are not merely “the general conditions of the neighborhood.” *Palmer v. Bd. of Zoning Adjustment*, 287 A.2d 535, 539 (D.C. 1972). For the second aspect of the variance test, the Court of Appeals has held that the more stringent “undue hardship” standard applies to use variances, while an applicant seeking an area variance must show only “practical difficulties.” *Id.* at 540-41. The Court did not explicitly define “practical difficulties,” but notes that an applicant must show that strict compliance with the Zoning Regulations would be “unnecessarily burdensome.” *Id.* at 542.

The Board finds that the property is not subject to an exceptional condition. The two lots are rectangular, level, and flat. Their size and lot occupancy are typical of other properties in the neighborhood. As the Applicant pointed out, 40 out of 50 surrounding properties in the area have nonconforming aspects, including FAR, lot occupancy, rear yard, and court requirements. Therefore, the Board finds that the Subject Property’s existing nonconformities do not comprise an exceptional circumstance, but rather demonstrate the “general conditions of the neighborhood.” Additionally, the Applicant claims that the demolition of the Subject Property’s original carriage house constitutes a unique condition. Although some properties in the neighborhood have maintained their original carriage houses, other properties, including the lot

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to the north of the Subject Property, have similarly had their carriage houses demolished in the past. Accordingly, the Board concludes that the prior demolition of the Applicant's carriage houses is not an exceptional condition.

Having found that the Applicant has failed to meet the first prong of the variance test, the Board need not discuss the second and third prongs. Nevertheless, for the purposes of creating a complete record the Board will address these two elements.

As to the second element, even if these asserted exceptional conditions gave rise to an exceptional situation, the Applicant has failed to show how these unique circumstances would constrain the property and cause a practical difficulty. The Applicant contends that compliance would be unnecessarily burdensome because the construction of the proposed carriage house addition would be more costly if the project were designed so not to exceed FAR and lot occupancy limits. Further, the Applicant wishes to build the carriage house addition to ensure safety and to provide additional living space for a family member or future caretaker.

As to the issue of cost, the Court of Appeals has held that "a substantial increase in the cost of an intended improvement coupled with some loss in the overall utility of the property was not a practical difficulty that merited an area variance." *Gilmartin v. Bd. of Zoning Adjustment*, 579 A.2d 1164, 1170 (D.C. 1990) (discussing *Barbour v. Bd. of Zoning Adjustment*, 358 A.2d 326 (D.C. 1976)). For this reason, the Board finds that the increase of construction costs from \$236 per square foot to \$900 per square foot, along with the Applicant's inability to add apartment and garage space to the Subject Property does not constitute a practical difficulty. As the property is currently improved with a three-story, owner-occupied dwelling and a three-story, three-unit apartment house, the inefficacy of adding additional living space can be deemed "some loss to the overall utility of the property," but it does not amount to a more significant burden that would warrant an area variance.

With respect to the Applicant's desire for more space, it is well settled a zoning variance cannot be granted on the basis of the property owner's personal circumstances, but must be based on the unique circumstances of the property itself. *Capitol Hill Restoration Society, Inc. v. D.C. Bd. of Zoning Adjustment*, 398 A.2d 13, 15-16 (D.C. 1979). As this Board has stated, "[v]ariance relief is extraordinary relief in that it permits what would otherwise not be permitted, and it cannot be granted merely for personal preference." *Application No. 17977, of Frederic and Laure-Anne Badey* (2009).

Finally, the Board agrees with the Office of Planning that granting the variance would do no harm to the public good or to the zone plan. However, since the Applicant failed to meet its burden on the first two elements, the variance must be denied.

The Board is required to give "great weight" to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2012 Repl.)) In this case, for the reasons discussed, the Board concurred with OP's recommendation to deny the application.

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The Board is also required to give “great weight” to the issues and concerns raised by the affected ANC in its written report. (Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)).) After deliberating on the matter at a regularly scheduled, properly noticed meeting, ANC 2B voted in support of the application principally based upon the project’s design, its modest increase in density, and the benefit to the neighborhood in restoring the historic carriage house. Thus the ANC’s concerns were only relevant to the third prong of the variance test pertaining to the potential harm of granting the relief requested. As noted, the Board concurs with the ANC’s conclusion on this issue. However, because the Applicant failed to show an exceptional condition on the property, the Board cannot follow the ANC’s recommendation that the application be granted.

Based on the findings of fact and conclusions of law, the Board finds that the Applicant has not satisfied the burden of proof with regard to the request for area variances from the FAR limitation under § 402.4, the lot occupancy requirements under § 403.2, the minimum rear yard requirements under § 404.1, the closed court width and area requirements of § 406.1, an enlargement of the existing nonconforming aspects of the building under § 2001.3 to allow the construction of two-story carriage house garages in the DC/R-5-B Zone District at premises 1617 and 1619 19th Street, N.W. (Square 134, Lots 18 & 19). Accordingly, it is **ORDERED** that the application is **DENIED**.

VOTE: **3-1-1** (Peter G. May, S. Kathryn Allen, and Jeffrey L. Hinkle to Deny the application; Lloyd J. Jordan to Approve the application; one Board seat vacant.)

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

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: August 15, 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.

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

Application No. 18701-A of 1247 ESE LLC, pursuant to 11 DCMR § 3103.2, for a variance from the use provisions to operate a restaurant in the first floor space within an existing apartment house under § 330.5 in the R-4 District at premises 1247 E Street, S.E. (Square 1019, Lot 43).¹

HEARING DATE: February 4, 2014

DECISION DATE: February 25, 2014

REVISED² SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 6.)

The Board of Zoning Adjustment (the "Board") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6B, and to owners of property within 200 feet of the site. The site is located within the jurisdiction of ANC 6B, which is automatically a party to this application. ANC 6B submitted a report dated January 15, 2014, indicating that at a regularly scheduled, properly noticed meeting on January 14, 2014, with a quorum present, the ANC voted 10-0-0 in support of the application. (Exhibit 29.) The Office of Planning ("OP") submitted a timely report in support of the application, subject to conditions. (Exhibit 32.) The District Department of Transportation ("DDOT") submitted a report raising no objection to the approval of the application. (Exhibit 31.)

Letters of support for the application were submitted by neighbors Stephen Simpson, Sarah Gavian, and Eric Hall. (Exhibits 28, 27, and 26.)

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance under § 3103.2 from the strict application of the use provisions in § 330.5. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking the variance relief that the Applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an

¹ The Applicant amended the application from a fast food establishment to a restaurant use and the caption has been revised accordingly. (Exhibit 36.)

² The Order has been revised to accommodate the Applicant's need to renovate the space for the new use.

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exceptional or extraordinary situation or condition related to the property that creates an undue hardship for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

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

It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Operating times shall not exceed 7:30 a.m. to 8:00 p.m., Monday through Friday, and 9:00 a.m. to 8:00 p.m., Saturday and Sunday.
2. Subject to any conditions imposed by the Public Space Committee and Historic Preservation Review Board, trash cans shall be concealed and not visible from the street.
3. Deliveries shall only be allowed between 8:30 a.m. to 5:00 p.m., Monday through Friday, and 9:30 a.m. to 2:00 p.m., Saturdays only.
4. Outdoor seating shall be permitted if approved by the Public Space Committee.
5. Outdoor seating is not permitted between the entry door on E Street and the fence line of 1245 E Street, S.E.
6. No outdoor music shall be allowed.
7. Subject to any conditions imposed by the Historic Preservation Office, the boarded-up door facing 13th Street shall be reopened.

VOTE: **3-0-2** (Lloyd J. Jordan, Jeffrey L. Hinkle, and Anthony J. Hood (by absentee ballot) to APPROVE; S. Kathryn Allen, not present or voting; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: February 27, 2014

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

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION

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WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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

Application No. 18801 of Fort Lincoln Multifamily Housing LLC and Fort Lincoln Joshua Barney Townhouse LLC, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a variance from the loading requirements under section 2201, and a special exception under section 2516, to erect more than one building on a record lot, in order to construct 103 townhouses and three multi-family buildings with a total of 260 units in the R-5-D and C-2-B Districts on the north side of Commodore Joshua Barney Drive, N.E (Square 4325, Parcel 173/149 and a portion of Parcel 1784/4).

HEARING DATES: July 22, 2014¹ and 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 4.)

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") 5C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5C, which is automatically a party to this application. The ANC submitted a letter in support of the application, indicating that at a properly noticed special public meeting of the ANC, with a quorum present, the ANC voted 5:0 to support the application. (Exhibit 44.) The Office of Planning ("OP") submitted a report that recommended approval of the requested variance and stated its general support for the application, but could not recommend approval of the requested special exception without additional information and design refinements. (Exhibit 41.) In response to OP's comments in its report, the Applicant submitted revised plans and a loading management plan and agreed to conditions proposed by OP. (Exhibits 48 and 49.) The Applicant also submitted a restrictive covenant addressing a permanent open space area in the northern part of the property and a Revised Sheet A-1 (site plan) modifying the drive aisle for the loading berths (Exhibit 50.) At the public hearing on July 29, 2014, OP testified that it was now in support of the application. The Department of Transportation had no objection to the application. (Exhibit 42.)

A letter in opposition was submitted by Kenneth Dauer on behalf of himself and his wife, Nicole Ledesma-Dauer. (Exhibit 45.)

¹ The case was postponed from the public hearing date of July 22, 2014 at the Applicant's request.

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Variance Relief

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case, pursuant to § 3103.2, for a variance from § 2201. 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 in seeking a variance from § 2201, the Applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception from § 2516, to erect on a record lot, in order to construct 103 townhouses and three multi-family buildings with a total of 260 units in the R-5-D and C-2-B District. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1 and 2516, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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

It is therefore **ORDERED THAT THIS APPLICATION IS HEREBY GRANTED SUBJECT TO THE REVISED PLANS AT EXHIBITS 48A-G AND THE REVISED SITE PLAN AT EXHIBIT 50 AND THE FOLLOWING CONDITIONS:**

1. The Applicant shall provide an open space easement or similar instrument in order to ensure that the 9.4 acres identified as "Proposed Permanent Open Space" on Sheet A-1A remains undeveloped in the future.

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2. The Applicant shall include in the HOA documents a provision that prohibits drivers from parking in their driveways if, in so doing, the vehicle would block the sidewalk or extend into the street.
3. The Applicant shall implement the measures contained in the Applicant's Loading Management Plan at Exhibit 49.

VOTE: **4-0-1** (Lloyd J. Jordan, Robert E. Miller, Marnique Y. Heath, and Jeffrey L. Hinkle, to APPROVE; S. Kathryn Allen, not present or participating.)

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

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

FINAL DATE OF ORDER: August 8, 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.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE

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SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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