

***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council passes Law 20-243, Post-Arrest Process Clarification Amendment Act of 2014
- D.C. Council schedules a public hearing on the “State of Accessible Parking in the District”
- D.C. Council schedules an oversight roundtable on “The Interagency Council on Homelessness Strategic Plan: Homeward DC”
- District Department of the Environment schedules a public hearing on air quality issues
- Department of Insurance, Securities, and Banking adopts the 2012 Individual Annuity Reserving (2012 IAR) Table for use in annuity and pure endowment contracts
- Office of the State Superintendent of Education announces funding availability for the Fiscal 2015 DC Physical Education and Health Education Grant
- Department of Small and Local Business Development announces funding availability for the DSLBD Healthy Food Retail Program Grant

# DISTRICT OF COLUMBIA REGISTER

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MAYOR

VICTOR L. REID, ESQ.  
ADMINISTRATOR

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## COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

## D.C. LAW 20-242

**"Prohibition of the Harm of Police Animals Act of 2014"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-191 on first and second readings June 24, 2014, and July 14, 2014, respectively. Following the signature of the Mayor on August 1, 2014, as required by Section 404(e) of the Charter, the bill became Act 20-416 and was published in the August 15, 2014 edition of the D.C. Register (Vol. 61, page 8312). Act 20-416 was transmitted to Congress on January 13, 2015 for a 60-day review, in accordance with Section 602(c)(2) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional review period has ended, and Act 20-416 is now D.C. Law 20-242, effective April 24, 2015.



Phil Mendelson  
Chairman of the Council

Days Counted During the 60-day Congressional Review Period:

January	13, 14, 15, 16, 20, 21, 22, 23, 26, 27, 28, 29, 30
February	2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 17, 18, 19, 20, 23, 24, 25, 26, 27
March	2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26
April	13, 14, 15, 16, 17, 20, 21, 22, 23

## COUNCIL OF THE DISTRICT OF COLUMBIA

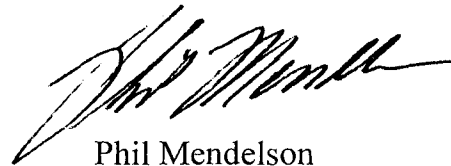
## NOTICE

## D.C. LAW 20-243

**"Post-Arrest Process Clarification Amendment Act of 2014"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-323 on first and second readings June 24, 2014, and July 14, 2014, respectively. Following the signature of the Mayor on August 5, 2014, as required by Section 404(e) of the Charter, the bill became Act 20-420 and was published in the August 15, 2014 edition of the D.C. Register (Vol. 61, page 8320). Act 20-420 was transmitted to Congress on January 13, 2015 for a 60-day review, in accordance with Section 602(c)(2) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional review period has ended, and Act 20-420 is now D.C. Law 20-243, effective April 24, 2015.



Phil Mendelson  
Chairman of the Council

Days Counted During the 60-day Congressional Review Period:

January	13, 14, 15, 16, 20, 21, 22, 23, 26, 27, 28, 29, 30
February	2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 17, 18, 19, 20, 23, 24, 25, 26, 27
March	2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26
April	13, 14, 15, 16, 17, 20, 21, 22, 23

ENROLLED ORIGINAL

## A RESOLUTION

21-66

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 14, 2015

To confirm the appointment of Ms. Ana R. Harvey as the Director of the Department of Small and Local Business Development.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Director of the Department of Small and Local Business Development Ana Harvey Confirmation Resolution of 2015”.

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

Ms. Ana R. Harvey  
9524 Rockport Road  
Vienna, VA 22180

as the Director of the Department of Small and Local Business Development, established by section 2311 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.11), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

21-67

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 14, 2015

To confirm the appointment of Ms. Angie Gates as the Director of the Office of Motion Picture and Television Development.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Director of the Office of Motion Picture and Television Development Angie Gates Confirmation Resolution of 2015”.

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

Ms. Angie Gates  
901 11<sup>th</sup> Street, N.E.  
Washington, D.C. 20002  
(Ward 6)

as the Director of the Office of Motion Picture and Television Development, established by Mayor’s Order 79-218, dated September 14, 1979 (26 DCR 1390), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-23.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

21-68

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 14, 2015

To confirm the appointment of Ms. Deborah A. Carroll as the Director of the Department of Employment Services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the Department of Employment Services Deborah Carroll Confirmation Resolution of 2015".

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

Ms. Deborah A. Carroll  
5422 High Tor Hill,  
Columbia, MD 20145

as the Director of the Department of Employment Services, established by Reorganization Plan No. 1 of 1980, effective April 17, 1980, and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

21-69

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 14, 2015

To declare the sense of the Council that the District of Columbia supports the principles of the Biophilic Cities Network and commits to promoting, learning about, and sharing biophilic programs and projects with other participating municipalities, to supporting urban biodiversity, and to creating opportunities for all District residents to connect with nature.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council on Biophilic Cities Resolution of 2015”.

Sec. 2. The Council finds that:

- (1) Evidence demonstrates that people are happiest, emotionally and physically healthiest, and most productive, when working and living in close proximity to nature.
- (2) Research shows that exposure to nature can reduce stress, aid recovery from illness, enhance cognitive skills, improve academic performance, and aid in moderating the effects of Attention Deficit Hyperactivity Disorder, autism, and other child illnesses.
- (3) The District has a rich and unique natural heritage, including a diversity of ecosystems that provide benefits to District residents and the animal species we share it with.
- (4) Greening neighborhoods has been shown to reduce crime, strengthen community connections, and increase walkability.
- (5) All District residents, especially children, in every neighborhood, should have direct experience with nature.
- (6) In an increasingly urbanized world, cities provide vital natural habitat to animal species that may otherwise perish.
- (7) Leading universities, urban thinkers, citizens, corporations, and innovative governments around the world are developing nature-based approaches to design, urban planning, and governance that support human and environmental health.
- (8) The Biophilic Cities Network includes a loose confederation of cities from all over the world whose leaders strive to recognize the important connection between humans and the natural world. Participating municipalities include Birmingham, Brisbane, Milwaukee, New York City, Perth, Philadelphia, Phoenix, Portland, Oslo, San Francisco, Singapore, Vitoria-Gasteiz, and Wellington.

## ENROLLED ORIGINAL

(9) A biophilic city is a city of abundant nature, where residents, young and old, have rich daily contact with the natural environment no matter where they reside; where larger natural areas and deeper natural experiences are an easy walk, bike, or transit ride away; and where the urban environment allows for and fosters connections with diverse flora and fauna. In biophilic cities, residents recognize, respect, are curious about, and actively care for the nature around them, and they spend extensive time outside learning about, enjoying, and participating in the natural world.

(10) In biophilic cities, leaders and elected officials give nature and natural capital a central place in their decision-making, and evaluate their planning and development decisions by the extent to which nature is restored and protected, and connections with the natural environment are enhanced. Leaders and residents of biophilic cities recognize that proximity to nature makes for more desirable communities and provides numerous benefits to all.

(11) A biophilic city recognizes the important role cities play in protecting and increasing biodiversity in a world where biodiversity is greatly threatened.

(12) A commitment to becoming a biophilic city with abundant and accessible nature will support the District's goals for a sustainable DC, environmental literacy plans, and an enhanced science, technology, engineering, and mathematics curriculum in schools.

(13) By joining the Biophilic Cities Network, the District will demonstrate international leadership on the environment and local commitment to the well-being and health of its residents.

Sec. 3. It is the sense of the Council that the District supports the principles of the Biophilic Cities Network and commits to:

- (1) Working to protect and restore nature;
- (2) Creating opportunities for new connections to the natural world wherever possible;
- (3) Sharing information and insights about biophilic tools, techniques, programs, and projects successfully applied in the District; and
- (4) Assisting other cities in becoming more biophilic through technical expertise and political and professional support for efforts to protect and expand urban nature.

Sec. 4. The Chairman shall transmit copies of this resolution, upon its adoption, to the Mayor, the City Administrator, and the Director of the District Department of the Environment.

Sec. 5. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.



## ENROLLED ORIGINAL

## A RESOLUTION

21-70

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 14, 2015

To declare the existence of an emergency with respect to the need to approve Modifications No. 2 and No. 3 to Contract No. CW26186 with Fleetpro, Inc. to provide on-site vehicle maintenance services 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 “Modifications No. 2 and No. 3 to Contract No. CW26186 Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists an immediate need to approve Modifications No. 2 and No. 3 to Contract No. CW26186 with Fleetpro, Inc. to provide on-site vehicle maintenance services, and to authorize payment for the goods and services received and to be received under the contract from February 12, 2015 through February 11, 2016.

(b) Previously, the Office of Contracting and Procurement (OCP) executed Modification No. 2, thereby exercising a partial option on Contract No. CW26186 for a period of 90 days, effective February 12, 2015, in the estimated amount of \$293,730.30. OCP now seeks to execute Modification No. 3, which would exercise the balance of the option period. The total estimated amount for the full option period is \$1,174,921.21.

(c) The aggregate value of Modification No. 2 and Modification No. 3 to Contract No. CW26186 exceeds the \$1 million threshold under section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51)

(d) Approval of Modifications No. 2 and No. 3 to Contract No. CW26186 is necessary to allow Fleetpro, Inc. to continue to provide these vital services. Without this approval, Fleetpro, Inc cannot be paid for goods and services provided in excess of \$1,000,000.00 during option year one.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification No. 2 and Modification No. 3 to CW26186 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

21-71

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 14, 2015

To declare the existence of an emergency with respect to the need to approve Change Order Nos. 001 through 004 to Contract No. DCAM-14-CS-0102 with Tompkins Builders, Inc. for design- build services for the Stanton Elementary School modernization and addition, and to authorize payment for the goods and services received and to be received under these change orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Change Orders Nos. 001 through 004 to Contract No. DCAM-14-CS-0102 Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists an immediate need to approve Change Order Nos. 001 through 004 to Contract No. DCAM-14-CS-0102 with Tompkins Builders, Inc., for design-build services for the Stanton Elementary School modernization and addition, and to authorize payment for the goods and services received and to be received under the change orders.

(b) In 2014, the Council approved Contract No. DCAM-14-CS-0102 with Tompkins Builders, Inc. to provide design-build services for the modernization of Stanton Elementary School with a target Guaranteed Maximum Price (“GMP”) of \$17,100,000. Thereafter, the Department issued Change Order No. 001 (\$916,872), Change Order No. 002 (\$0), and Change Order No. 003 (\$80,000), with a total aggregate value of \$996,872; thus, Council approval was not required.

(c) The Department has issued Change Order No. 004, in the amount of \$16,416,411, for Phase B of the project, including construction of a three-story addition to the existing building as well as a new single story wing.

(d) The aggregate value of Change Orders Nos. 001 through 004 to Contract No. DCAM-14-CS-0102 exceeds the \$1 million threshold under section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).

(e) Approval of Change Orders Nos. 001 through 004 to Contract No. DCAM-14-CS-0102 is necessary to compensate Tompkins Builders, Inc. for the work performed and to be performed under the change orders.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Change Orders Nos. 001 through 004 to Contract No. DCAM-14-CS-0102 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

21-72

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 14, 2015

To declare the existence of an emergency with respect to the need to approve Modification Nos. M14 and M16 to Task Order Contract No. CW25961 with Science Applications International Corporation to provide man-based telephony services 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. CW25961 Modification Nos. M14 and M16 Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists an immediate need to approve Modification Nos. M14 and M16 to Contract No. CW25961 with Science Application International Corporation to provide man-based telephony services and to authorize payment for the goods and services received and to be received under the contract from March 1, 2015 through February 28, 2016.

(b) On March 1, 2014, the Office of Contracting and Procurement (“OCP”) awarded Contract No. CW25961 to Science Applications International Corporation to provide goods and services for the DC-NET Metropolitan Area Network Man-Based Telephony System in the not-to-exceed amount of \$20,000,000 for the base year.

(c) On February 27, 2015, by Modification No. M14, the OCP partially exercised option year one, for the period March 1, 2015 through April 21, 2015, in the not-to-exceed amount of \$1,000,000.00. Now, OCP proposes, by Modification No. M16, to exercise the remainder of option year one, for the period April 22, 2015, through February 28, 2016, in the not-to-exceed amount of \$19,000,000.00.

(d) The aggregate value of Modification Nos. M14 and M16 to Contract No. CW25961 exceeds the \$1 million threshold under section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).

(e) Approval of Modification Nos. M14 and M16 to Contract No. CW25961 is necessary to allow Science Application International Corporation to continue to provide these vital services. Without this approval, Science Applications International Corporation cannot be paid for services provided in excess of \$1,000,000 during option year one.

**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 Contract No. CW25961 Modification Nos. M14 and M16 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

21-73

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 14, 2015

To confirm the appointment of Mr. Clinton Lacey as the Director of the Department of Youth Rehabilitation Services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the Department of Youth Rehabilitation Services Clinton Lacey Confirmation Resolution of 2015".

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

Mr. Clinton T. Lacey  
642 Faraday Place, N.E.  
Washington, D.C. 20017  
(Ward 5)

as the Director of the Department of Youth Rehabilitation Services, established by section 102 of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.02), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

21-74

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 14, 2015

To confirm the appointment of Mr. Kevin Donahue as the Deputy Mayor for Public Safety and Justice.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Deputy Mayor for Public Safety and Justice Kevin Donahue Confirmation Resolution of 2015".

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

Mr. Kevin Donahue  
122 Tuckerman Street, N.E.  
Washington, D.C. 20011  
(Ward 4)

as the Deputy Mayor for Public Safety and Justice, established by section 3022 of the Office of the Deputy Mayor for Public Safety and Justice Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 1-301.191), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

**ENROLLED ORIGINAL**

A RESOLUTION

21-75

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 14, 2015

To disapprove multiyear Contract No. CW28651 with Corizon Health, Inc., to provide comprehensive medical, mental health, pharmacy, and dental services to inmates housed in the Central Detention Facility and Correctional Treatment Facility.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. CW28651 Disapproval Resolution of 2015”.

Sec. 2. Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.02), the Council disapproves Contract No. CW28651, a multiyear contract with Corizon Health, Inc., in the amount of \$66,131,504, to provide comprehensive medical, mental health, pharmacy, and dental services to inmates housed in the Central Detention Facility and Correctional Treatment Facility.

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

Sec. 4. This resolution shall take effect immediately.



ENROLLED ORIGINAL

A RESOLUTION

21-78

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 14, 2015

To confirm the appointment of Mr. David D. Do as the Executive Director of the Office on Asian and Pacific Islander Affairs.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Executive Director of the Office on Asian and Pacific Islander Affairs David D. Do Confirmation Resolution of 2015”.

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

Mr. David D. Do  
422 Lamont Street, N.W.  
Washington, D.C. 20010  
(Ward 1)

as the Executive Director of the Office on Asian and Pacific Islander Affairs, established by section 304 of the Office on Asian and Pacific Islander Affairs Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 2-1373), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

21-79

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 14, 2015

To confirm the appointment of Ms. Jackie Reyes-Yanes as the Director of the Office on Latino Affairs.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Director of the Office on Latino Affairs Jackie Reyes-Yanes Confirmation Resolution of 2015”.

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

Ms. Jackie Reyes-Yanes  
2233 18th Street, N.W.  
Washington, D.C. 20009  
(Ward 1)

as the Director of the Office on Latino Affairs, established by section 301 of the District of Columbia Latino Community Development Act, effective September 29, 1976 (D.C. Law 1-86; D.C. Official Code § 2-1311), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

21-80

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 14, 2015

To confirm the appointment of Ms. Sheila Alexander Reid as the Director of the Office of Gay, Lesbian, Bisexual, and Transgender Affairs.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Director of the Office of Gay, Lesbian, Bisexual, and Transgender Affairs Sheila Alexander Reid Confirmation Resolution of 2015”.

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

Ms. Sheila Alexander Reid  
4560 Argyle Terrace, N.W.  
Washington, D.C. 20011  
(Ward 4)

as the Director of the Office of Gay, Lesbian, Bisexual, and Transgender Affairs, established by section 3 of the Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006, effective April 4, 2006 (D.C. Law 16-89; D.C. Official Code § 2-1382), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

21-81

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 14, 2015

To confirm the appointment of Mr. Mamadou Samba as the Executive Director of the Office on African Affairs of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Executive Director of the Office on African Affairs Mamadou Samba Confirmation Resolution of 2015”.

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

Mr. Mamadou Samba  
3600 Pear Tree Court #41  
Silver Spring, MD 20906

as the Executive Director of the Office on African Affairs, established by section 2 of the Office and Commission on African Affairs Act of 2006, effective June 8, 2006 (D.C. Law 16-111; D.C. Official Code § 2-1391), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-82

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 14, 2015

To appoint Ms. Ellen A. Efros as General Counsel to the Council of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “General Counsel to the Council of the District of Columbia Ellen A. Efros Appointment Resolution of 2015”.

Sec. 2. The Council of the District of Columbia appoints:

Ms. Ellen A. Efros  
1177 22nd Street, N.W., Unit 5B  
Washington, D.C. 20037  
(Ward 2)

as General Counsel to the Council of the District of Columbia, beginning May 11, 2015.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

21-83

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 14, 2015

To declare the existence of an emergency with respect to the need to approve Change Order No. 10 to Contract No. GF-2010-C-0030 with Parkinson/Forrester UDC Student Center JV, LLC for the construction of the New Student Center, University of the District of Columbia, Van Ness Campus, and to authorize payment in the aggregate amount of \$3,975,633.00 for the goods and services received and to be received under the change order.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Change Order No. 10 to Contract No. GF-2010-C-0030 Approval and Payment Authorization Emergency Declaration Resolution of 2015"

Sec. 2. (a) There exists an immediate need to approve Change Order No. 10 to Contract No. GF-2010-C-0030 with Parkinson/Forrester UDC Student Center JV, LLC for the construction of the New Student Center, University of the District of Columbia, Van Ness Campus, and to authorize payment in the aggregate amount of \$3,975,633.00 for the goods and services received and to be received under the change order.

(b) On January 21, 2011, the University of the District of Columbia awarded Contract No. GF-2011-C-0030 in the amount of \$29,899,000.00 to Parkinson/Forrester UDS Student Center JV, LLC for the New Student Center, University of the District of Columbia, Van Ness Campus.

(c) On January 26, 2015, the University of the District of Columbia approved Change Order No. 10 to Contract No. GF-2011-C-0030 in the amount of \$3,975,633.00 for additional work to be performed by Parkinson/Forrester UDC Student Center JV, LLC during the construction of the New Student Center, University of the District of Columbia, Van Ness Campus.

(d) The value of Change Order No. 10 to Contract No. GF-2010-C-0030 exceeds the \$1 million threshold under section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).

(e) Approval of Change Order No. 10 to Contract No. GF-2011-C-0030 the amount of \$3,975,633.00 is necessary to minimize undue delay attributable to lengthy negotiations over the scope and cost of the change order and to compensate Parkinson/Forrester UDC Student

**ENROLLED ORIGINAL**

Center JV, LLC for work performed and to be performed in completing the construction of the New Student Center on the Van Ness Campus.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in Section 2 constitute emergency circumstances making it necessary that the Change Order No. 10 to Contract No. GF-2010-C-0030 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

21-84

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 14, 2015

To declare the existence of an emergency with respect to the need to increase the number of living marijuana plants that a cultivation center can possess at any time.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Medical Marijuana Supply Shortage Emergency Declaration Resolution of 2015”.

Sec. 2. (a) This emergency is necessary to address the supply shortage of medical marijuana in the District of Columbia.

(b) With the passage of the Medical Marijuana Expansion Amendment Act of 2014, effective March 10, 2015 (D.C. Law 20-189; 62 DCMR 3818), the medical marijuana program is growing by 200 patients a month.

(c) The District’s medical marijuana program allows for 10 medical marijuana cultivation centers to be registered to cultivate, possess, and distribute medical marijuana. However, due to unforeseen circumstances, only 5 cultivation centers are registered with the District of Columbia and only 3 are operational at this time.

(d) As there is a 500 marijuana plant limit, the cultivation centers in the District are not equipped to meet the demand of the more than 2,700 patients that have registered for the medical marijuana program.

(e) According to the Drug Policy Alliance, the substantial increase in patients participating in the medical marijuana program has led to a situation where patient demand is far greater than the supply of medical marijuana in the District.

(f) The supply shortage has caused the 3 registered dispensaries that are operating in the District to either set restrictions on how much medical marijuana a patient may buy or they have had to close, leaving patients no options to purchase medical marijuana.

(g) Due to the shortage, patients are forced to buy marijuana off the black market to meet their needs, which is illegal and is a major safety concern.

(h) The Department of Health has indicated that allowing the 5 cultivation centers to increase their production from 500 marijuana plants to 1000 marijuana plants will solve the current supply shortage issue.



**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 Medical Marijuana Supply Shortage Emergency Amendment Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

21-85

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 14, 2015

To declare the existence of an emergency with respect to the need for the Council to urge immediate action by the Zoning Commission for the District of Columbia to revise and finalize the zoning regulations to limit pop-up expansion of row houses.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council in Support of a Limitation on Pop-ups Emergency Declaration Resolution of 2015".

Sec. 2. (a) The need for emergency action by the Zoning Commission for the District of Columbia exists because issues have arisen regarding certain pop-ups. They have caused property rights disputes; such as, they reduce the efficacy of rooftop solar panels, they lead to a reduction in already limited off-street parking, they cause damage to the foundations of neighboring homes, and by their inordinate height, they obstruct neighboring chimneys, a potential carbon monoxide and fire hazard.

(b) Other adverse effects regarding pop-ups that need to be studied and may need further regulation are issues of reduced air quality, of flooding, and other water damage.

(c) Many residents testified that there are pop-ups that are aesthetically incompatible in size, scale, architecture, and setback with the neighborhood character in which they are constructed.

(d) There may also be a need to study the effects of incompatible pop-ups on the value of homes and the desirability of new residents to move into particular neighborhoods.

(e) It is clear that more regulations are required to settle pop-up issues for residential neighborhoods District-wide.

(f) It is urgent that regulations be finalized by the Zoning Commission for 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 in Support of a Limitation on Pop-ups Emergency Resolution of 2015 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-86

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 14, 2015

To declare, on an emergency basis, the sense of the Council that the Zoning Commission for the District of Columbia should take immediate action to revise and finalize the zoning regulations to limit pop-up expansion of row houses.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council in Support of a Limitation on Pop-ups Emergency Resolution of 2015”.

Sec. 2. The Council finds that:

(1) On March 30, 2015, the Zoning Commission for the District of Columbia (“Zoning Commission”) voted to reduce the allowable height of conversions (“pop-ups”) in R-4 districts from 40 feet to 35 feet, but comprehensive regulations are needed to address the issues that ensue from pop-ups, and often the increased number of units in a dwelling, on a District-wide basis.

(2) Many residents who testified before the Zoning Commission on January 15, 2015, opposed pop-ups and were in favor of the height restrictions.

(3) Many residents testified that there are pop-ups that are aesthetically incompatible, for example, in size, scale, architecture, and setback with the neighborhood character in which they are constructed.

(4) Certain pop-ups have caused property rights disputes, such as:

(A) By blocking the sun, they reduce the efficacy of rooftop solar panels;

(B) By increased occupancy, they reduce already limited off-street

parking;

(C) They obstruct neighboring chimneys, a potential carbon monoxide and fire hazard; and

(D) They cause damage to the foundations of neighboring homes.

(5) Every option in law and rule should be studied so that the law and rules that are established will promote the health and safety of our current residents and those to come, safeguard the value and character of District neighborhoods, including our historic row house neighborhoods, attract new residents as a result, and respect the property rights of property owners, both homeowners and developers.

**ENROLLED ORIGINAL**

(6) It is the policy of the District to promote access to and the integrity of safe and quality housing and neighborhoods for all District residents.

Sec. 3. It is the sense of the Council that the Zoning Commission should act immediately to finalize zoning regulations that address the pending issues set forth in this resolution.

Sec. 4. Transmittal.

The Chairman shall transmit a copy of this resolution, upon its adoption, to the Zoning Commission and the Mayor.

Sec. 5. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

21-87

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 14, 2015

To declare the existence of an emergency with respect to the need to amend the Washington Convention Center Authority Act of 1994 to delete obsolete provisions, to clarify that the President of the Hotel Association of Washington, D.C. shall serve as an ex-officio voting member of the Board of Directors, and to repeal the establishment of the Washington Convention Center Advisory Committee.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Events DC Technical Clarification Emergency Declaration Resolution of 2015”.

Sec. 2. (a) The Events DC Technical Clarification Amendment Act of 2015, as approved by the Committee on Finance and Revenue on April 1, 2015 (Committee print of Bill 21-76), will have a first reading on April 14, 2015.

(b) Bill 21-76 increases the number of members to the Board of Directors for the Washington Convention and Sports Authority (“Authority”) to 12 members, establishes 3 members as ex-officio members, and clarifies that the President of the Hotel Association of Washington, D.C. shall serve as one of the ex-officio voting members and that the terms of all other members shall be 4 years.

(c) Three nominations to the board have been introduced and are pending.

(d) It is vital for clarity and certainty for the Authority that the provisions of Bill 21-76 become law as soon as possible.

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 Events DC Technical Clarification Emergency Amendment Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

21-88

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 14, 2015

To declare the existence of an emergency with respect to the need to exempt Jubilee Maycroft, LLC from the notice requirements of the Tenant Opportunity to Purchase Act of 1980 with respect to the real property located at 1474 Columbia Road, N.W., also known as The Maycroft.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Jubilee Maycroft TOPA Notice Exemption Emergency Declaration Resolution of 2015”.

Sec. 2. (a) The District of Columbia is currently experiencing an affordable housing crisis and there exists a need to create and preserve an affordable housing stock.

(b) Since 2000, more than 15,000 District of Columbia households are paying more than 50% of their income on housing.

(c) The District of Columbia has lost more than half of its low-cost rental units.

(d) Low-cost rental units are less than 24% of the total available rental units in the District of Columbia.

(e) The number of high-cost rental units has more than tripled since 2000, from 12,400 units to more than 45,000 in 2015.

(f) Spending more than 30% of income on housing costs burdens families.

(g) Jubilee Housing, Inc. is a faith-based nonprofit organization founded in 1973 to provide affordable housing and supportive services to economically disadvantaged residents of the Adams Morgan neighborhood of the District of Columbia.

(h) Jubilee Housing, Inc. intends to transfer 99.9% of its interest in Jubilee Maycroft, LLC in order to maintain financing and take advantage of Low Income Housing Tax Credits approved by the District of Columbia Housing Finance Agency.

(i) These credits will enable units within The Maycroft to remain affordable; provided, that Jubilee Housing, Inc. and Jubilee Maycroft, LLC are able to maintain financing for the project. Preventing any challenge to the transfer will allow financing to move forward.

(j) A significant majority of residents living at 1474 Columbia Road, N.W., in a building called The Maycroft, signed a petition, organized by an independent tenant support organization, requesting that Jubilee Housing re-develop their building into an affordable housing apartment building.

**ENROLLED ORIGINAL**

(k) A significant majority of residents living at 1474 Columbia Road, N.W., in a building called The Maycroft, signed a petition, organized by an independent tenant support organization, requesting that any tenant association that legally exists at 1474 Columbia Road, N.W. not file a notice to object to the conveyance.

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 Jubilee Maycroft TOPA Notice Exemption Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

21-89

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 14, 2015

To declare the existence of an emergency with respect to the need to amend the Workforce Job Development Grant-Making Authority Act of 2012 to continue the authority of the Director of the Department of Employment Services to issue grants from funds appropriated to or received by the Department of Employment Services for workforce job development purposes by repealing a sunset provision.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Workforce Job Development Grant-Making Reauthorization Emergency Declaration Resolution of 2015”.

Sec. 2. (a) The authority given to the Director of the Department of Employment Services (“DOES”) to issue grants for workforce job development purposes is due to expire on April 23, 2015. The purpose of this emergency is to continue the authority of the Director to issue grants and to prevent any gap in that legal authority.

(b) Providing grant-making authority for the Director of DOES has made the grant-approval process for training and other services for unemployed District residents more efficient and the issuance of grant awards more prompt.

(c) Extension of grant-making authority will ensure there is no disruption in the delivery of specialized training programs provided by DOES organizations with which the agency contracts and will mitigate against lost employment opportunities for District residents.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Workforce Job Development Grant-Making Reauthorization Emergency Amendment Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.



ENROLLED ORIGINAL

## A RESOLUTION

21-90

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 14, 2015

To declare the existence of an emergency with respect to the need to make technical and clarifying amendments to the Soccer Stadium Development Act of 2014.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Soccer Stadium Development Technical Clarification Emergency Declaration Resolution of 2015”.

Sec. 2. (a) On December 17, 2014, the Council unanimously approved the Soccer Stadium Development Act of 2014, effective March 11, 2015 (D.C. Law 20-233; 62 DCR 438) and accompanying emergency legislation that enabled the District to assemble land for the development of a Soccer Stadium for D.C. United at Buzzard’s Point in Southwest.

(b) On December 17, 2014, the Council also unanimously approved a financing package to accompany the stadium legislation through a revised budget request act that provided funding to acquire the necessary land and other costs relevant to the project.

(c) The Office of the Attorney General has recommended several technical amendments to ensure compliance with the Home Rule Act and streamline the procurement process while still comporting with the intent of the original authorizing legislation.

(d) The Deputy Mayor for Planning and Economic Development has begun negotiations with D.C. United and property owners at the proposed stadium site to make minor changes to previously approved agreements, including provisions that better protect the District from financial and operational risk and more robust community benefit requirements that would not increase the District’s financial obligations.

(e) In order for the relevant contracts, ground leases, and development agreements to be finalized, it is critical that these technical and clarifying amendments be made as quickly as possible on an emergency basis. This will allow for this important project to remain on schedule for completion as the Council originally intended.

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 Soccer Stadium Development Technical Clarification Emergency Amendment Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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

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

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

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**COUNCIL OF THE DISTRICT OF COLUMBIA**

**PROPOSED LEGISLATION**

**PROPOSED RESOLUTION**

PR21-143      ABRA Administrative and Procedural Amendment Approval Resolution of  
2015

Intro. 4-27-15 by Chairman Mendelson at the request of the Mayor and referred  
to the Committee on Business, Consumer, and Regulatory Affairs

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**COUNCIL OF THE DISTRICT OF COLUMBIA  
 NOTICE OF PUBLIC HEARINGS  
 FISCAL YEAR 2016 PROPOSED BUDGET AND FINANCIAL PLAN,  
 FISCAL YEAR 2016 BUDGET SUPPORT ACT OF 2015,  
 FISCAL YEAR 2016 BUDGET REQUEST ACT OF 2015, AND  
 COMMITTEE MARK-UP SCHEDULE  
 4/23/2015**

<b><u>SUMMARY</u></b>	
April 2, 2015	Mayor Transmits the Fiscal Year 2016 Proposed Budget and Financial Plan
April 13, 2015	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2016 Proposed Budget and Financial Plan
April 15, 2015 to May 7, 2015	Committee Public Hearings on the "Fiscal Year 2016 Budget Request Act of 2015." (The Committees may also simultaneously receive testimony on the sections of the Fiscal Year 2016 Budget Support Acts that affect the agencies under each Committee's purview)
May 8, 2015	Committee of the Whole Public Hearing on the "Fiscal Year 2016 Budget Request Act of 2015" and the "Fiscal Year 2016 Budget Support Act of 2015"
May 12, 13, and May 14, 2015	Committee Mark-ups and Reporting on Agency Budgets for Fiscal Year 2016
May 27, 2015	Committee of the Whole and Council consideration of the "Fiscal Year 2016 Budget Request Act of 2015", and the "Fiscal Year 2016 Budget Support Act of 2015"
June 16, 2015	Council consideration of the "Fiscal Year 2016 Budget Support Act of 2015"
<p>The Council of the District of Columbia hereby gives notice of its intention to hold public hearings on the FY 2016 Proposed Budget and Financial Plan, the "Fiscal Year 2016 Budget Request Act of 2015", and the "Fiscal Year 2016 Budget Support Act of 2015". The hearings will begin Monday, April 13, 2015 and conclude on Friday, May 8, 2015 and will take place in the Council Chamber (Room 500), Room 412, Room 120, or Room 123 of the John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004.</p> <p>The Committee mark-ups will begin Tuesday, May 12, 2015 and conclude on Thursday, May 14, 2015 and will take place in the Council Chamber (Room 500) of the John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004.</p> <p>Persons wishing to testify are encouraged, but not required, to submit written testimony in advance of each hearing to Nyasha Smith, Secretary to the Council of the District of Columbia; Suite 5; John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004. If a written statement cannot be provided prior to the day of the hearing, please have at least 15 copies of your written statement available on the day of the hearing for immediate distribution to the Council. The hearing record will close two business days following the conclusion of each respective hearing. Persons submitting written statements for the record should observe this deadline. For more information about the Council's budget oversight hearing and mark-up schedule please contact the Council's Office of the Budget Director at (202) 724-8544.</p>	

**ADDENDUM OF CHANGES TO THE PUBLIC HEARING SCHEDULE**

<u>New Date</u>	<u>Original Date</u>	<u>Hearing</u>
4/15/2015 (COW-new insert)		Office of Contracting & Procurement Contract Appeals Board Executive Office of the Mayor Office of the City Administrator Office of the Senior Advisor
4/15/2015	4/20/2015	Housing Finance Agency (Housing)
4/15/2015	4/23/2015	DC Housing Authority (Housing)
4/17/2015	4/30/2015	DC Board of Elections (Judiciary)
4/17/2015	4/30/2015	Office of Campaign Finance (Judiciary)
4/17/2015	4/20/2015	District of Columbia Auditor (COW)
4/21/2015	4/24/2015	District Department of Transportation
4/22/2015 - Room 412	4/22/2015	Committee on Health and Human Services
4/22/2015 - Room 120	4/22/2015	Committee on Education
4/23/2015	4/15/2015	Office of Aging (Housing)
4/23/2015	5/6/2015	Office of Women's Policy and Initiatives (Housing)
Cancelled	4/27/2015	Workforce Investment Council (BCRA)
4/29/2015 (F&R-new insert)		Washington Metropolitan Area Transit Authority (Finance)
4/30/2015 (BCRA-new insert)		Office of the Deputy Mayor of Greater Economic Opportunity
5/6/2015	4/23/2015	Office of Veteran Affairs (Housing)
Cancelled	4/29/2015	Access to Justice Initiative (Judiciary)

**PUBLIC HEARING SCHEDULE**

<b>COMMITTEE OF THE WHOLE</b>		<b>Chairman Phil Mendelson</b>
<b>MONDAY, APRIL 13, 2015; COUNCIL CHAMBER (Room 500)</b>		
<b>Time</b>	<b>Subject</b>	
10:00 a.m. - End	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2016 Proposed Budget and Financial Plan	

<b>COMMITTEE ON THE JUDICIARY</b>		<b>Chairperson Kenyan McDuffie</b>
<b>WEDNESDAY, APRIL 15, 2015; COUNCIL CHAMBER (Room 500)</b>		
<b>Time</b>	<b>Agency</b>	
10:00 a.m. - End	Office of Police Complaints	
	Criminal Justice Coordinating Council	
	Sentencing and Criminal Code Revision Commission	

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Katherine Mitchell, [kmitchell@dccouncil.us](mailto:kmitchell@dccouncil.us) or by calling 202-727-8275.

<b>COMMITTEE OF THE WHOLE</b>		<b>Chairman Phil Mendelson</b>
<b>WEDNESDAY, APRIL 15, 2015; Room 412</b>		
<b>Time</b>	<b>Agency</b>	
2:30 p.m. - 6:00 p.m.	Office of Contracting and Procurement	
	Contract Appeals Board	
	Executive Office of the Mayor	
	Office of the City Administrator	
	Office of the Senior Advisor	

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Evan Cash, [ecash@dccouncil.us](mailto:ecash@dccouncil.us) or by calling 202-724-8196.

<b>COMMITTEE ON HOUSING &amp; COMMUNITY DEVELOPMENT</b>		<b>Chairperson Anita Bonds</b>
<b>WEDNESDAY, APRIL 15, 2015; Room 123</b>		
<b>Time</b>	<b>Agency</b>	
10:00 a.m. - End	Housing Finance Agency	
	DC Housing Authority	

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Barry Weise, [bweise@dccouncil.us](mailto:bweise@dccouncil.us) or by calling 202-724-8171.

<b>COMMITTEE ON HEALTH &amp; HUMAN SERVICES</b>		<b>Chairperson Yvette Alexander</b>
<b>WEDNESDAY, APRIL 15, 2015; Room 120</b>		
<b>Time</b>	<b>Agency</b>	
10:00 a.m. - End	Department of Behavioral Health	

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Rayna Smith, [rsmith@dccouncil.us](mailto:rsmith@dccouncil.us) or by calling 202-741-2111.

<b>COMMITTEE ON HEALTH &amp; HUMAN SERVICES</b>		<b>Chairperson Yvette Alexander</b>
<b>FRIDAY, APRIL 17, 2015; COUNCIL CHAMBER (Room 500)</b>		
<b>Time</b>	<b>Agency</b>	
10:00 a.m. - End	Department of Healthcare Finance	

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Rayna Smith, [rsmith@dccouncil.us](mailto:rsmith@dccouncil.us) or by calling 202-741-2111.

<b>COMMITTEE OF THE WHOLE</b>		<b>Chairman Phil Mendelson</b>
<b>FRIDAY, APRIL 17, 2015; Room 412</b>		
<b>Time</b>	<b>Agency</b>	
12:00 p.m. - 6:00 p.m.	Council of the District of Columbia	
	District of Columbia Auditor	
	Metropolitan Washington Council of Governments	
	Office of the Chief Technology Officer	
	Department of Human Resources	
	District of Columbia Retirement Board/Funds	
	Retiree Health Contribution (Other Post-Employment Benefits)	

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Greg Matlesky, [gmatlesky@dccouncil.us](mailto:gmatlesky@dccouncil.us) or Evan Cash, [ecash@dccouncil.us](mailto:ecash@dccouncil.us) or by calling 202-724-8196.

<b>COMMITTEE ON TRANSPORTATION &amp; THE ENVIRONMENT</b>		<b>Chairperson Mary Cheh</b>
<b>FRIDAY, APRIL 17, 2015; Room 123</b>		
<b>Time</b>	<b>Agency</b>	
11:00 a.m. - End	Department of Motor Vehicles	
	Department of Public Works	

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin, [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us) or by calling or by calling 202-724-8062.

**COMMITTEE ON THE JUDICIARY**

**Chairperson Kenyan McDuffie**

FRIDAY, APRIL 17, 2015; Room 120	
Time	Agency
10:00 a.m. - End	Commission on Fathers, Men, and Boys
	Department of Youth Rehabilitation Services
	DC Board of Elections
	Office of Campaign Finance

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Katherine Mitchell, [kmitchell@dccouncil.us](mailto:kmitchell@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON HOUSING & COMMUNITY DEVELOPMENT**

**Chairperson Anita Bonds**

MONDAY, APRIL 20, 2015; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of Housing and Community Development
	Rental Housing Commission
	Housing Production Trust Fund

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Irene Kang, [ikang@dccouncil.us](mailto:ikang@dccouncil.us) or by calling 202-724-8198.

**COMMITTEE OF THE WHOLE**

**Chairman Phil Mendelson**

MONDAY, APRIL 20, 2015; Room 412	
Time	Agency
2:00 p.m. - 6:00 p.m.	University of the District of Columbia
	Office of Labor Relations and Collective Bargaining
	Office of Employee Appeals
	Public Employee Relations Board

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Taneka Miller, [tmiller@dccouncil.us](mailto:tmiller@dccouncil.us) or by calling 202-724-4865.

**COMMITTEE ON EDUCATION**

**Chairperson David Grosso**

TUESDAY, APRIL 21, 2015; COUNCIL CHAMBER (Room 500)	
Time	Agency
1:00 p.m. - End	Office of the Deputy Mayor for Education
	District of Columbia Public Library System

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Christina Henderson, [chenderson@dccouncil.us](mailto:chenderson@dccouncil.us) or by calling 202-724-8061.

**COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT**

**Chairperson Mary Cheh**

TUESDAY, APRIL 21, 2015; Room 412	
Time	Agency
1:00 p.m. - End	District Department of Transportation

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin, [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us) or by calling 202-724-8062.

**COMMITTEE ON FINANCE & REVENUE**

**Chairperson Jack Evans**

WEDNESDAY, APRIL 22, 2015; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Washington Convention & Sports Authority (EventsDC)
	Destination DC
	Real Property Tax Appeals Commission
	DC Lottery
	Office of the Chief Financial Officer

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy, [sloy@dccouncil.us](mailto:sloy@dccouncil.us) or by calling 202-724-8058.

**COMMITTEE ON HEALTH & HUMAN SERVICES**

**Chairperson Yvette Alexander**

WEDNESDAY, APRIL 22, 2015; Room 412	
Time	Agency
10:00 a.m. - End	Department on Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Rayna Smith, [rsmith@dccouncil.us](mailto:rsmith@dccouncil.us) or by calling 202-741-2111.

**COMMITTEE ON EDUCATION**

**Chairperson David Grosso**

WEDNESDAY, APRIL 22, 2015; Room 120	
Time	Agency
10:00 a.m. - End	Public Charter School Board
	Bullying Prevention Taskforce
	Healthy Youth and Schools Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Christina Henderson, [chenderson@dccouncil.us](mailto:chenderson@dccouncil.us) or by calling 202-724-8061.

**COMMITTEE OF THE WHOLE**

**Chairman Phil Mendelson**

<b>THURSDAY, APRIL 23, 2015; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - 6:00 p.m.	Office of Budget and Planning
	Deputy Mayor for Planning & Economic Development
	Office of Zoning
	Office of Planning

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Cynthia LeFevre, [clefevre@dccouncil.us](mailto:clefevre@dccouncil.us) or Evan Cash, [ecash@dccouncil.us](mailto:ecash@dccouncil.us) or by calling 202-724-8092.

**COMMITTEE ON EDUCATION**

**Chairperson David Grosso**

<b>THURSDAY, APRIL 23, 2015; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	District of Columbia Public Schools (Public Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Christina Henderson, [chenderson@dccouncil.us](mailto:chenderson@dccouncil.us) or by calling 724-8061.

**COMMITTEE ON HOUSING & COMMUNITY DEVELOPMENT**

**Chairperson Anita Bonds**

<b>THURSDAY, APRIL 23, 2015; Room 120</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	Office of Religious Affairs/Interfaith Council
	Office of Aging
	Advisory Neighborhood Commission
	Office of Women's Policy and Initiatives

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Nishant Keerikatte, [nkeerikatte@dccouncil.us](mailto:nkeerikatte@dccouncil.us) or by calling 202-724-8025.

**COMMITTEE ON HEALTH & HUMAN SERVICES**

**Chairperson Yvette Alexander**

<b>FRIDAY, APRIL 24, 2015; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Department of Human Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Rayna Smith, [rsmith@dccouncil.us](mailto:rsmith@dccouncil.us) or by calling 202-741-2111.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT**

**Chairperson Mary Cheh**

<b>FRIDAY, APRIL 24, 2015; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	DC Taxicab Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin, [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us) or by calling 202-724-8062.

**COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS**

**Chairperson Vincent Orange**

<b>MONDAY, APRIL 27, 2015; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Alcoholic Beverage Regulation Administration
	Department of Consumer and Regulatory Affairs
	Department of Employment Services
	Department of Small and Local Business Development
	Office of Risk Management
	Office of Tenant Advocate

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Peter Johnson, [pjohnson@dccouncil.us](mailto:pjohnson@dccouncil.us) or by calling 202-727-6683.

**COMMITTEE ON THE JUDICIARY**

**Chairperson Kenyan McDuffie**

<b>MONDAY, APRIL 27, 2015; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Fire and Emergency Medical Services
	Office of Unified Communications
	Office of Human Rights
	Department of Corrections
	Office of Returning Citizen Affairs
	Corrections Information Council

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Katherine Mitchell, [kmitchell@dccouncil.us](mailto:kmitchell@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT**

**Chairperson Mary Cheh**

<b>TUESDAY, APRIL 28, 2015; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>

10:00 a.m. - End  
 Department of General Services  
 Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin, [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us) or by calling 202-724-8062.

**COMMITTEE ON EDUCATION**

**Chairperson David Grosso**

<b>TUESDAY, APRIL 28, 2015; Room 412</b>	
<b>Time</b>	<b>Agency</b>

10:00 a.m. - End  
 District of Columbia Public Schools (Government Witnesses only)  
 Persons wishing to testify about the performance of any of the foregoing agencies may contact: Christina Henderson, [chenderson@dccouncil.us](mailto:chenderson@dccouncil.us) or by calling 202-724-8061.

**COMMITTEE ON HEALTH & HUMAN SERVICES**

**Chairperson Yvette Alexander**

<b>TUESDAY, APRIL 28, 2015; Room 120</b>	
<b>Time</b>	<b>Agency</b>

10:00 a.m. - End  
 Health Benefit Exchange Authority  
 Child and Family Services Administration  
 Persons wishing to testify about the performance of any of the foregoing agencies may contact: Rayna Smith, [rsmith@dccouncil.us](mailto:rsmith@dccouncil.us) or by calling 202-741-2111.

**COMMITTEE OF HEALTH & HUMAN SERVICES**

**Chairperson Yvette Alexander**

<b>WEDNESDAY, APRIL 29, 2015; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>

10:00 a.m. - End  
 Department of Disability Services  
 Office of Disability Rights  
 Persons wishing to testify about the performance of any of the foregoing agencies may contact: Rayna Smith, [rsmith@dccouncil.us](mailto:rsmith@dccouncil.us) or by calling 202-741-2111.

**COMMITTEE ON FINANCE & REVENUE**

**Chairperson Jack Evans**

<b>WEDNESDAY, APRIL 29, 2015; Room 412</b>	
<b>Time</b>	<b>Agency</b>

10:00 a.m. - End  
 Commission on the Arts and Humanities  
 Office of Inspector General  
 Office of Partnerships and Grant Services  
 Washington Metropolitan Area Transit Authority  
 Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy, [sloy@dccouncil.us](mailto:sloy@dccouncil.us) or by calling 202-724-8058.

**COMMITTEE ON THE JUDICIARY**

**Chairperson Kenyan McDuffie**

<b>WEDNESDAY, APRIL 29, 2015; Room 120</b>	
<b>Time</b>	<b>Agency</b>

9:00 a.m. - End  
 Office of the Attorney General  
 Mayor's Office of Legal Counsel  
 Office of Administrative Hearings  
 Judicial Nomination Commission  
 Commission on Judicial Disabilities and Tenure  
 Persons wishing to testify about the performance of any of the foregoing agencies may contact: Katherine Mitchell, [kmitchell@dccouncil.us](mailto:kmitchell@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON EDUCATION**

**Chairperson David Grosso**

<b>THURSDAY, APRIL 30, 2015; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>

10:00 a.m. - End  
 Office of State Superintendent of Education  
 State Board of Education  
 Persons wishing to testify about the performance of any of the foregoing agencies may contact: Christina Henderson, [chenderson@dccouncil.us](mailto:chenderson@dccouncil.us) or by calling 202-724-8061.

**COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS**

**Chairperson Vincent Orange**

<b>THURSDAY, APRIL 30, 2015; Room 412</b>	
<b>Time</b>	<b>Agency</b>

10:00 a.m. - End  
 Department of Insurance, Securities, and Banking  
 Office of Cable Television  
 Office of Motion Picture and Television Development  
 Office of the Deputy Mayor for Greater Economic Opportunity  
 Office of People's Counsel  
 Public Access Corporation  
 Public Service Commission  
 Persons wishing to testify about the performance of any of the foregoing agencies may contact: Peter Johnson, [pjohnson@dccouncil.us](mailto:pjohnson@dccouncil.us) or by calling 202-727-6683.

**COMMITTEE ON THE JUDICIARY**

**Chairperson Kenyan McDuffie**

<b>THURSDAY, APRIL 30, 2015; Room 120</b>	
Time	Agency
10:00 a.m. - End	Board of Ethics and Government Accountability
	Office of Victim Services
	Justice Grants Administration

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Katherine Mitchell, [kmitchell@dccouncil.us](mailto:kmitchell@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT**

**Chairperson Mary Cheh**

<b>FRIDAY, MAY 1, 2015; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
11:00 a.m. - End	District Department of the Environment
	Department of Parks and Recreation

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin, [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us) or by calling 202-724-8062.

**COMMITTEE ON HEALTH & HUMAN SERVICES**

**Chairperson Yvette Alexander**

<b>FRIDAY, MAY 1, 2015; Room 412</b>	
Time	Agency
10:00 a.m. - End	Children and Youth Investment Trust Corporation
	United Medical Center
	Deputy Mayor of Health and Human Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Rayna Smith, [rsmith@dccouncil.us](mailto:rsmith@dccouncil.us) or by calling 202-741-2111.

**COMMITTEE ON THE JUDICIARY**

**Chairperson Kenyan McDuffie**

<b>MONDAY, MAY 4, 2015; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
11:00 a.m. - End	Department of Forensic Sciences
	Metropolitan Police Department
	Office of the Chief Medical Examiner
	Homeland Security and Emergency Management Agency
	District of Columbia National Guard

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Katherine Mitchell, [kmitchell@dccouncil.us](mailto:kmitchell@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON HOUSING & COMMUNITY DEVELOPMENT**

**Chairperson Anita Bonds**

<b>WEDNESDAY, MAY 6, 2015; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
10:00 a.m. - End	Advisory Commission on Caribbean Community Affairs
	Office of Gay, Lesbian, Bisexual, and Transgender Affairs
	Office on Asian and Pacific Islander Affairs
	Office of Veteran Affairs
	Office of African Affairs
	Office of African American Affairs
	Office of Latino Affairs
	DC Youth Advisory Council

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Joseph Trimboli, [jtrimboli@dccouncil.us](mailto:jtrimboli@dccouncil.us) or by calling 202-724-8198.

**COMMITTEE OF THE WHOLE**

<b>FRIDAY, MAY 8, 2015; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
10:00 a.m.	Committee of the Whole Hearing on the "Fiscal Year 2016 Budget Request Act of 2015", and the "Fiscal Year 2016 Budget Support Act of 2015"



**COMMITTEE MARK-UP SCHEDULE**

**TUESDAY, MAY 12, 2015; COUNCIL CHAMBER (Room 500)**

<b>Time</b>	<b>Committee</b>
12:00 p.m. - 2:00 p.m.	Open
2:00 p.m. - 4:00 p.m.	Committee on Health and Human Services

**WEDNESDAY, MAY 13, 2015; COUNCIL CHAMBER (Room 500)**

<b>Time</b>	<b>Committee</b>
10:00 a.m. - 12:00 p.m.	Open
12:00 p.m. - 2:00 p.m.	Committee on Finance and Revenue
2:00 p.m. - 4:00 p.m.	Committee on Housing and Community Development
4:00 p.m. - 6:00 p.m.	Committee on Business, Consumer and Regulatory Affairs

**THURSDAY, MAY 14, 2015; COUNCIL CHAMBER (Room 500)**

<b>Time</b>	<b>Committee</b>
10:00 a.m. - 12:00 p.m.	Committee on the Judiciary
12:00 p.m. - 2:00 p.m.	Committee on Education
2:00 p.m. - 4:00 p.m.	Committee on Transportation and the Environment
4:00 p.m. - 6:00 p.m.	Committee of the Whole

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

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**NOTICE OF PUBLIC HEARING ON**  
**The State of Accessible Parking in the District**

and

**Bill 21-175, the Accessible Parking Amendment Act of 2015**

Thursday, June 4, 2015  
at 11:00 a.m.  
in Room 500 of the  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

On Thursday, June 4, 2015, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public hearing on the state of accessible parking in the District and on Bill 21-175, the Accessible Parking Amendment Act of 2015. The hearing will begin at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The purpose of this hearing is to consider the approach taken in the District to provide parking for persons with disabilities. The Committee will review the District Department of Transportation's Red Top Meter Program and the availability of parking in the District for persons with disabilities.

Additionally, the Committee will receive testimony on Bill 21-175, the Accessible Parking Amendment Act of 2015, which would provide reserved accessible, metered, on-street parking spaces within the Central Employment area.

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

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms.

Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us) or faxed to (202) 724-8118. The record will close at the end of the business day on June 18, 2015.

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE**  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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**CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
ANNOUNCES A PUBLIC OVERSIGHT HEARING**

on

**The Interagency Council on Homelessness Strategic Plan: *Homeward DC***

on

**Friday, May 15, 2015  
12:00 p.m., Room 412, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Council Chairman Phil Mendelson announces the scheduling of an oversight roundtable of the Committee of the Whole on “The Interagency Council on Homelessness Strategic Plan: *Homeward DC*.” The oversight roundtable will be held on Friday, May 15, 2015, at 12:00 p.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The purpose of this oversight hearing is to elicit public comment on the 5-year Strategic Plan adopted in March 2015 by the Interagency Council on Homelessness with input from a variety of stakeholders. The Committee is particularly interested in hearing from those individuals and groups that participated in the plan’s formulation, including service providers and advocates. The Committee also seeks to gather information about the way forward now that a plan is in place. Further, the committee invites testimony from government witnesses.

This roundtable is part of a series of oversight hearings to be held by the Committee of the Whole regarding homelessness. Those who wish to testify are asked to contact the Committee of the Whole, at (202) 724-8196, or Alana Intriери at [aintrieri@dccouncil.us](mailto:aintrieri@dccouncil.us), and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business Wednesday, May 13, 2015. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on Wednesday, May 13, 2015, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there is a large number of witnesses.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Tuesday, May 26, 2015.

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

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

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

Comments should be addressed to the Secretary to the Council, 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

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**Reprog. 21-42:** Request to reprogram \$2,320,000 of Capital Funds Budget Authority and Allotment from Various Agencies to the Department of Human Services was filed in the Office of the Secretary on April 27, 2015. This reprogramming is needed to support the costs of upgrades and capital repairs of various shelter facilities.

RECEIVED: 14 day review begins April 28, 2015

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: May 1, 2015
Petition Date: June 15, 2015
Hearing Date: June 29, 2015

License No.: ABRA-088179
Licensee: All Souls, LLC
Trade Name: All Souls
License Class: Retailer's Class "C" Tavern
Address: 725 T Street, N.W.
Contact: Andrew Kline: 202-686-7600

WARD 1 ANC 1B SMD 1B01

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

NATURE OF SUBSTANTIAL CHANGE

Change of Hours and to add a Sidewalk Cafe Endorsement. The Sidewalk Cafe capacity is 33. The premises capacity is 48.

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

Sunday 10 am - 2 am, Monday through Thursday 5 pm - 2 am, Friday 5 pm -3 am, Saturday 10 am - 3 am

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR PREMISES

Sunday 10 am - 2 am Monday through Thursday 11 am - 2 am Friday 11 am - 3 am Saturday 10 am - 3 am

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SIDEWALK CAFE

Sunday 11 am - 11 pm, Monday through Thursday 6 pm - 11 pmm Friday 6 pm -1 am, Saturday 11 am - 1 am

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

Posting Date: May 1, 2015  
Petition Date: June 15, 2015  
Hearing Date: June 29, 2015

License No.: ABRA-060779  
Licensee: Eurochef, LLC  
Trade Name: Belga Cafe  
License Class: Retailer's Class "C" Restaurant  
Address: 514 8<sup>th</sup> Street, S.E.  
Contact: Michael Fonseca: 202-625-7700

WARD 6

ANC 6B

SMD 6B04

Notice is hereby given that this licensee who has applied for a substantial change to his license under the D.C. Alcoholic Beverage Control Act and for objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4<sup>th</sup> Floor, Suite 400S, 2000 14th Street, N.W., Washington, DC 20009. A petition or request to appear before the Board must be filed on or before the petition date.

**NATURE OF SUBSTANTIAL CHANGE**

To add a Summer Garden with a total occupancy load of 34.

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

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

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

Sunday through Thursday 10 am – 12 am, Friday and Saturday 10 am – 1 am

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Posting Date: May 1, 2015  
 Petition Date: June 15, 2015  
 Roll Call Hearing Date: June 29, 2015  
 Protest Hearing Date: September 9, 2015

License No.: ABRA-098081  
 Licensee: Fast Trip, LLC  
 Trade Name: Bistro on U Street  
 License Class: Retailer’s Class “C” Tavern  
 Address: 926-928 U Street, N.W.  
 Contact: Jermaine Matthews (240)-838-1622

WARD 1

ANC 1B

SMD 1B02

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for September 9, 2015 at 1:30pm.

**NATURE OF OPERATION**

A new restaurant that will provide a breakfast, lunch, dinner, and late night menu.  
 Total occupancy load is 40.

**HOURS OF OPERATION**

Sunday through Saturday, 24 hours

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

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



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

Posting Date: April 17, 2015  
Petition Date: June 1, 2015.  
Roll Call Hearing Date: June 15, 2015  
Protest Hearing Date: August 12, 2015

License No.: ABRA-098364  
Licensee: Chef AmyB, LLC  
Trade Name: Centrolina  
License Class: Retailer's Class "C" Restaurant  
Address: 974 Palmer Alley, N.W.  
Contact: Stephen O'Brien, Esq.: 202-625-7700

WARD 2

ANC 2C

SMD 2C01

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for August 12, 2015 at 4:30pm.

**NATURE OF OPERATION**

An European-inspired gourmet restaurant, which will be located within a full-service grocery store, selling food and alcoholic beverages for consumption on the premises. Seating capacity is 72. Total occupancy load is 105. Summer Garden with seating for 34.

**HOURS OF OPERATION FOR INSIDE PREMISES**

Sunday through Saturday 6am-12:30am

**HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR INSIDE PREMISES**

Sunday through Saturday 8am-12:30am

**HOURS OF OPERATION FOR SUMMER GARDEN\*\***

Sunday through Saturday 8am- 11pm

**HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SUMMER GARDEN**

Sunday through Saturday 8am-11pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: May 1, 2015
Petition Date: June 15, 2015
Hearing Date: June 29, 2015
Protest Date: September 9, 2015

License No.: ABRA-098684
Licensee: DC Winery, LLC
Trade Name: District Winery
License Class: Retailer's Class "CX" Multipurpose Facility
Address: 385 Water Street, S.E.
Contact: Stephen O'Brien: 202-625-7700

WARD 6

ANC 6D

SMD 6D07

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 1:30 pm on September 9, 2015.

NATURE OF OPERATION

Multi-Purpose Facility with 450 seats and a Total Occupancy Load of 750. Requesting an Entertainment Endorsement to include dancing, wine pub and summer garden with 100 seats.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR INSIDE PREMISES AND OUTDOOR SUMMER GARDEN

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

HOURS OF LIVE ENTERTAINMENT

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

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

Posting Date: May 1, 2015  
Petition Date: June 15, 2015  
Hearing Date: June 29, 2015  
Protest Date: September 9, 2015

License No.: ABRA-098754  
Licensee: Blue Zone, LLC  
Trade Name: Halsa  
License Class: Retailer's Class "D" Restaurant  
Address: 655 Michigan Ave., N.E.  
Contact: Jeff Jackson: 202-251-1566

WARD 5

ANC 5E

SMD 5E01

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 4:30 pm on September 9, 2015.

**NATURE OF OPERATION**

Restaurant with 22 seats and a Total Occupancy Load of 41. Requesting a sidewalk cafe with 15 seats.

**HOURS OF OPERATION FOR INSIDE PREMISES AND OUTSIDE SIDEWALK CAFE**

Sunday through Saturday 7 am - 10 pm

**HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR INSIDE PREMISES AND OUTSIDE SIDEWALK CAFE**

Sunday through Saturday 11 am - 10 pm

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

ON

**4/17/2015**

**\*\*CORRECTION**

Notice is hereby given that:

License Number: ABRA-079795

License Class/Type: A Retail - Liquor Store

Applicant: Connect Corporation

Trade Name: M & S Market

ANC: \*\*4C10

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

**213 UPSHUR ST NW**

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

**6/1/2015**

***A HEARING WILL BE HELD ON:***

**6/15/2015**

***AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009***

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	7 am - 12 am	7 am -12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

ON

**4/17/2015**

**\*\*RESCIND**

Notice is hereby given that:

License Number: ABRA-079795      License Class/Type: A Retail - Liquor Store  
 Applicant: Connect Corporation      Trade Name: M & S Market  
 ANC: 4C01\*\*

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

**213 UPSHUR ST NW**

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

**6/1/2015**

***A HEARING WILL BE HELD ON:***

**6/15/2015**

***AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009***

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	7 am - 12 am	7 am -12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

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

Posting Date: May 1, 2015  
Petition Date: June 15, 2015  
Hearing Date: June 29, 2015  
Protest Date: September 9, 2015

License No.: ABRA-098753  
Licensee: Potomac Riverboat Company, LLC  
Trade Name: Mathew Hayes #1, Commander Jacques #2, Miss Christin #3  
License Class: Retailer's Class "DX" Marine Vessel 1, 2, 3  
Address: 205 The Strand, Alexandria, VA, 22314  
Contact: Stephen O'Brien: 202-625-7700

WARD 6

ANC 6D

SMD 6D01

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 1:30 pm on September 9, 2015.

**NATURE OF OPERATION**

Marine Vessel #1: Mathew Hayes. Total occupancy load of 149. Entertainment Endorsement.  
Marine Vessel #2: Commander Jacques. Total occupancy load of 122. Entertainment Endorsement.  
Marine Vessel #3: Miss Christin. Total occupancy load of 173. Entertainment Endorsement.

**HOURS OF OPERATION**

Sunday through Saturday 8 am – 3 am

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

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

**HOURS OF ENTERTAINMENT**

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: May 1, 2015
Petition Date: June 15, 2015
Hearing Date: June 29, 2015

License No.: ABRA-087574
Licensee: District Kitchen, LLC
Trade Name: New District Kitchen
License Class: Retailer's Class "C" Restaurant
Address: 2606 Connecticut Ave., N.W.
Contact: Jawad Saadaoui: 202-238-9408

WARD 3 ANC 3C SMD 3C02

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.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests a Change of Hours.

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

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

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SIDEWALK CAFE

Sunday through Saturday 11:30 am – 11:30 pm

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR PREMISES AND SIDEWALK CAFE

Sunday 9 am – 2 am, Monday through Thursday 11 am – 2 am, Friday 11 am – 3 am
Saturday 9 am – 3 am

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

Posting Date: May 1, 2015  
Petition Date: June 15, 2015  
Hearing Date: June 29, 2015

License No.: ABRA-093645  
Licensee: LEI AG Embassy Row, LLC  
Trade Name: The Embassy Row Hotel  
License Class: Retailer's Class "C" Hotel  
Address: 2015 Massachusetts Ave., N.W.  
Contact: John Yoon: 202-265-1600

WARD 2

ANC 2B

SMD 2B02

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 14<sup>th</sup> Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date.

**NATURE OF SUBSTANTIAL CHANGE**

Applicant requests a Summer Garden.

**HOURS OF OPERATION FOR SUMMER GARDEN**

Sunday through Thursday 8 am – 11 pm, Friday & Saturday 8 am – 12 am

**HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SUMMER GARDEN**

Sunday through Thursday 11 am – 11 pm, Friday & Saturday 11 am – 12 am



## DISTRICT DEPARTMENT OF THE ENVIRONMENT

NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PERIOD  
ON AIR QUALITY ISSUES

Notice is hereby given that a public hearing will be held on Thursday, June 4, 2015, at 5:30 p.m. in Room 555 at 1200 First Street NE, 5<sup>th</sup> Floor, in Washington, D.C. 20002. This hearing provides interested parties an opportunity to comment on the proposed revision to the District of Columbia's (District) State Implementation Plan (SIP), found at 40 C.F.R. Part 52 Subpart J, regarding certain federal Clean Air Act (CAA) requirements under Sections 110(a)(2)(A) to (M); and a proposed submission of an Air Quality Emergency Episode Plan to the District's SIP for approval to meet the requirements of 40 C.F.R. Part 51, Subpart H for all applicable pollutants. Once the District has completed its procedures, the proposed revisions to the SIP will be submitted to the EPA for approval.

This SIP revision is a compilation of elements that describe how the District is implementing the "infrastructure" elements of the 2008 8-hour ozone national ambient air quality standards (NAAQS). Once approved by EPA, it will provide a federally enforceable written confirmation of how the District will continue to comply with the §110(a)(2) requirements of the CAA for ground-level ozone.

This SIP revision also includes a contingency plan, in case of an air pollution emergency, for pollutants for which the District is classified as a Priority I area at 40 C.F.R. § 52.471, including ground-level ozone. This revision is intended to meet the requirements of 40 C.F.R. Part 51, Subpart H, for all pollutants and will also satisfy the "infrastructure" element of § 110(a)(2)(G) for the 2008 ozone NAAQS.

Copies of the proposed SIP revision are available for public review during normal business hours at the offices of the District Department of the Environment (DDOE), 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC 20002, and on-line at <http://ddoe.dc.gov/>.

Interested parties wishing to testify at this hearing must submit in writing their names, addresses, telephone numbers and affiliation, if any, to Mr. William Bolden at the DDOE address above or at [william.bolden@dc.gov](mailto:william.bolden@dc.gov) by 4:00 p.m. on Thursday, June 4, 2015. Interested parties may also submit written comments to Ms. Jessica Daniels, Monitoring and Assessment Branch, Air Quality Division, DDOE, at the same address or by email at [jessica.daniels@dc.gov](mailto:jessica.daniels@dc.gov). Questions about this SIP revision should be directed to Mr. Rama S. Tangirala by phone at 202-535-2989 or email at [rama.tangirala@dc.gov](mailto:rama.tangirala@dc.gov), or Ms. Daniels at 202-741-0862 or [jessica.daniels@dc.gov](mailto:jessica.daniels@dc.gov). No comments will be accepted after June 4, 2015.

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

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice, dated April 23, 2015 of National Collegiate Preparatory Public Charter School’s request to amend its charter by changing its goals, academic achievement expectations and mission. PCSB will hold a public hearing during the regularly scheduled board meeting on Monday, June 15, 2015 at 6:30pm. Subsequently, PCSB will hold a vote on the matter during the regularly scheduled board meeting on Monday, July 20, 2015 at 6:30pm. For further information, please contact Laterica Quinn, Equity and Fidelity Specialist, at 202-328-2660. Please contact 202-328-2660 or email [public.comment@dcpsb.org](mailto:public.comment@dcpsb.org) to submit public comment; public comments must be submitted on or before June 15, 2015.

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

**TIME AND PLACE:**                      **Thursday, June 11, 2015, @ 6:30 p.m.**  
**Jerrily R. Kress Memorial Hearing Room**  
**441 4<sup>th</sup> Street, N.W., Suite 220**  
**Washington, D.C. 20001**

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

**CASE NO. 05-38B (Mill Creek Residential Trust, LLC – PUD Modification @ Square 499, Lots 855-859)**

**THIS CASE IS OF INTEREST TO ANC 6D**

On December 22, 2014, the Office of Zoning received an application from Mill Creek Residential Trust, LLC (the “Applicant”) requesting modifications to an approved planned unit development (“PUD”) from the R-5-D Zone District to the C-3-C Zone District for Lots 855-859 in Square 499 (the “Property”). The original PUD was approved by the Zoning Commission pursuant to Z.C. Order No. 05-38, dated May 14, 2007, and effective on October 26, 2007, and modified pursuant to Z.C. Order No. 05-38A, dated December 8, 2008, and effective on January 2, 2009. The project involves the renovation of two existing residential buildings on Lots 856 and 858, and the construction of two new mixed-use residential towers on Lots 855 and 859. The Property is located in Ward 6 and is within the boundaries of Advisory Neighborhood Commission (“ANC”) 6D.

By report dated February 27, 2015, the Office of Planning recommended that the Zoning Commission schedule a public hearing on the application. At its public meeting on March 9, 2015, the Zoning Commission voted to set down the application for a public hearing. The Applicant provided its prehearing statement on April 7, 2015.

The Applicant seeks approval to make further modifications to the approved PUD. The revised project will reduce the height of the proposed residential towers from 112 feet to 85 feet each, and will reduce the PUD’s overall density from 4.38 to 3.40 floor area ratio (“FAR”). The new residential towers will contain a combined total of approximately 231,605 square feet of gross floor area, with approximately 212,965 square feet of gross floor area devoted to residential uses, approximately 5,220 square feet of gross floor area devoted to retail use, approximately 5,845 square feet of gross floor area devoted to service space, and approximately 7,575 square feet devoted to the lobby and amenities. The overall gross floor area for the project is approximately 449,045 square feet. The number of residential units for the overall project will be reduced from 580 to 516 (256 existing units and 260 new units, plus or minus 10%). The number of parking spaces will be reduced from 569 spaces to 290 spaces, located in three levels of below grade parking in each new residential tower.

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

Z.C. NOTICE OF PUBLIC HEARING  
Z.C. CASE NO. 05-38B  
PAGE 2

**How to participate as a witness.**

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

**How to participate as a party.**

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

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

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

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

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

Z.C. NOTICE OF PUBLIC HEARING  
Z.C. CASE NO. 05-38B  
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**Time limits.**

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

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

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

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS****NOTICE OF FINAL RULEMAKING**

The Director of the Department of Consumer and Regulatory Affairs (Director), pursuant to authority set forth in D.C. Official Code § 47-2851.20 (2012 Repl.), Section 104 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.04 (2012 Repl.)), and Mayor's Order 99-68, dated April 28, 1999, hereby gives notice of the adoption of the following amendment to Chapter 33 (Department of Consumer and Regulatory Affairs (DCRA) Infractions) of Title 16 (Consumers, Commercial Practices, and Civil Infractions) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking brings enforcement regulations in line with Section 301 of the District of Columbia's Omnibus Criminal Code Amendments Act of 2012, effective June 19, 2013 (D.C. Law 19-320; 60 DCR 3390 (March 15, 2013)), which added synthetic drugs, such as synthetic marijuana and "bath salts", to the District of Columbia's schedule of controlled substances. This rulemaking supports various Federal Drug Enforcement Administration and Department of Justice regulations that make it illegal to buy, sell, or possess Schedule I controlled substances such as K2/Spice, synthetic drugs, or their equivalents because these substances pose an imminent hazard to public health, safety and welfare.

A Notice of Emergency and Proposed Rulemaking was published on April 25, 2014 at 61 DCR 4210, and a Notice of Second Emergency and Proposed Rulemaking was published on August 15, 2014 at 61 DCRA 8561. The Council of the District of Columbia approved the rules on March 28, 2015.

The rulemaking was adopted as final April 6, 2015, and will become effective upon publication in the *D.C Register*.

**Chapter 33, DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS (DCRA) INFRACTIONS, of Title 16 DCMR, CONSUMERS, COMMERCIAL PRACTICES, AND CIVIL INFRACTIONS, is amended as follows:**

**Section 3301, BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION INFRACTIONS, is amended as follows:**

**Subsection 3301.1is amended by adding subparagraphs (mm) and (nn) to read as follows:**

- (mm) D.C. Official Code § 48-902.04 (schedule I synthetic drugs); or
- (nn) D.C Official Code § 48-902.08 (schedule III synthetic drugs).

**A new Subsection 3301.5 is added to read as follows:**

3301.5 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) D.C. Official Code § 48-902.04 (sell, offer for sale, allow the sale of, display for sale, possess, market, trade, barter, give, devise or otherwise make or attempt to make available synthetic drugs from schedule I).
- (b) D.C. Official Code § 48-902.08 (sell, offer for sale, allow the sale of, display for sale, possess, market, trade, barter, give, devise or otherwise make or attempt to make available synthetic drugs from schedule III).

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

**NOTICE OF FINAL RULEMAKING**

The Commissioner of the Department of Insurance, Securities and Banking, pursuant to the authority set forth in Section 28 of the Life Insurance Act, effective March 14, 1985 (D.C. Law 5-160; D.C. Official Code § 31-4728 (2013 Repl.)), and the Department of Insurance and Securities Regulation Establishment Act of 1996, effective May 21, 1997 (D.C. Law 11-268; D.C. Official Code § 31-103(a)(1) (2013 Repl.)), hereby gives notice of the adoption of the following amendments to Chapter 11 (Annuity Mortality Tables), of Subtitle A (Insurance), Title 26 (Insurance, Securities, and Banking), of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendments are to adopt the 2012 Individual Annuity Reserving (2012 IAR) Table for use in determining the minimum standard of valuation for annuity and pure endowment contracts, and to make other conforming amendments to the National Association of Insurance Commissioner's Model Rule for Recognizing a New Annuity Mortality Table for Use in Determining Reserve Liabilities for Annuities.

A Notice of Proposed Rulemaking was published on February 27, 2015, at 62 DCR 2572. There have been no changes to the final rulemaking. The rules were adopted as final on April 20, 2015, and will become effective upon publication.

**Chapter 11, ANNUITY MORTALITY TABLES, of Title 26-A DCMR, INSURANCE, is amended as follows:**

**Section 1100, INDIVIDUAL ANNUITY OR PURE ENDOWMENT CONTRACTS, is amended as follows:**

**Subsection 1100.1 is amended by striking "Subsections 1100.2 and 1100.3" and inserting "Subsections 1100.2, 1100.2a, and 1100.3" in its place.**

**Subsection 1100.2 is amended by striking "Subsection 1100.3" and inserting "Subsections 1100.2a and 1100.3".**

**A new Subsection 1100.2a is added to read as follows:**

1100.2a        Except as provided in Subsection 1100.3 of this section, the 2012 IAR Mortality Table shall be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after January 1, 2015.



A new Section 1103 is added to read as follows:

**1103 APPLICATION OF THE 2012 IAR MORTALITY TABLE**

1103.1 In using the 2012 IAR Mortality Table, the mortality rate for a person age  $x$  in year  $(2012 + n)$  is calculated as follows:

$$q_x^{2012+n} = q_x^{2012} (1 - G2_x)^n$$

The resulting  $q_x^{2012+n}$  shall be rounded to three decimal places per 1,000, *e.g.*, 0.741 deaths per 1,000. Also, the rounding shall occur according to the formula above, starting at the 2012 period table rate.

For example, for a male age 30,  $q_x^{2012} = 0.741$ .

$q_x^{2013} = 0.741 * (1 - 0.010) ^ 1 = 0.73359$ , which is rounded to 0.734.

$q_x^{2014} = 0.741 * (1 - 0.010) ^ 2 = 0.7262541$ , which is rounded to 0.726.

A method leading to incorrect rounding would be to calculate  $q_x^{2014}$  as  $q_x^{2013} * (1 - 0.010)$ , or  $0.734 * 0.99 = 0.727$ . It is incorrect to use the already rounded  $q_x^{2013}$  to calculate  $q_x^{2014}$ .

**Section 1199, DEFINITIONS, is amended by adding new Subsections 1199.5 through 1199.9 to read as follows:**

1199.5 “Period table” means a table of mortality rates applicable to a given calendar year (the Period).

1199.6 “Generational mortality table” means a mortality table containing a set of mortality rates that decrease for a given age from one year to the next based on a combination of a Period table and a projection scale containing rates of mortality improvement.

1199.7 “2012 IAR Table” means that Generational mortality table developed by the Society of Actuaries Committee on Life Insurance Research and containing rates,  $q_x^{2012+n}$ , derived from a combination of the 2012 IAM Period Table and Projection Scale G2, using the methodology stated in § 1103 of this chapter.

1199.8 “2012 Individual Annuity Mortality Period Life (2012 IAM Period) Table” means the Period table containing loaded mortality rates for calendar year 2012. This table contains rates,  $q_x^{2012}$ , developed by the Society of Actuaries Committee on Life Insurance Research and is shown in Appendices 1-2.

1199.9 “Projection Scale G2 (Scale G2)” is a table of annual rates,  $G2_x$ , of mortality improvement by age for projecting future mortality rates beyond calendar year 2012. This table was developed by the Society of Actuaries Committee on Life Insurance Research and is shown in Appendices 3-4.

APPENDIX I  
2012 IAM Period Table  
Female, Age Nearest Birthday

AGE	1000 • $q_x^{2012}$	AGE	1000 • $q_x^{2012}$	AGE	1000 • $q_x^{2012}$	AGE	1000 • $q_x^{2012}$
0	1.621	30	0.300	60	3.460	90	88.377
1	0.405	31	0.321	61	3.916	91	97.491
2	0.259	32	0.338	62	4.409	92	107.269
3	0.179	33	0.351	63	4.933	93	118.201
4	0.137	34	0.365	64	5.507	94	130.969
5	0.125	35	0.381	65	6.146	95	146.449
6	0.117	36	0.402	66	6.551	96	163.908
7	0.110	37	0.429	67	7.039	97	179.695
8	0.095	38	0.463	68	7.628	98	196.151
9	0.088	39	0.504	69	8.311	99	213.150
10	0.085	40	0.552	70	9.074	100	230.722
11	0.086	41	0.600	71	9.910	101	251.505
12	0.094	42	0.650	72	10.827	102	273.007
13	0.108	43	0.697	73	11.839	103	295.086
14	0.131	44	0.740	74	12.974	104	317.591
15	0.156	45	0.780	75	14.282	105	340.362
16	0.179	46	0.825	76	15.799	106	362.371
17	0.198	47	0.885	77	17.550	107	384.113
18	0.211	48	0.964	78	19.582	108	400.000
19	0.221	49	1.051	79	21.970	109	400.000
20	0.228	50	1.161	80	24.821	110	400.000
21	0.234	51	1.308	81	28.351	111	400.000
22	0.240	52	1.460	82	32.509	112	400.000
23	0.245	53	1.613	83	37.329	113	400.000
24	0.247	54	1.774	84	42.830	114	400.000
25	0.250	55	1.950	85	48.997	115	400.000
26	0.256	56	2.154	86	55.774	116	400.000
27	0.261	57	2.399	87	63.140	117	400.000
28	0.270	58	2.700	88	71.066	118	400.000
29	0.281	59	3.054	89	79.502	119	400.000
						120	1000.000

APPENDIX II

2012 IAM Period Table  
Male, Age Nearest Birthday

AGE	1000 • q <sub>x</sub> <sup>2012</sup>	AGE	1000 • q <sub>x</sub> <sup>2012</sup>	AGE	1000 • q <sub>x</sub> <sup>2012</sup>	AGE	1000 • q <sub>x</sub> <sup>2012</sup>
0	1.605	30	0.741	60	5.096	90	109.993
1	0.401	31	0.751	61	5.614	91	123.119
2	0.275	32	0.754	62	6.169	92	137.168
3	0.229	33	0.756	63	6.759	93	152.171
4	0.174	34	0.756	64	7.398	94	168.194
5	0.168	35	0.756	65	8.106	95	185.260
6	0.165	36	0.756	66	8.548	96	197.322
7	0.159	37	0.756	67	9.076	97	214.751
8	0.143	38	0.756	68	9.708	98	232.507
9	0.129	39	0.800	69	10.463	99	250.397
10	0.113	40	0.859	70	11.357	100	268.607
11	0.111	41	0.926	71	12.418	101	290.016
12	0.132	42	0.999	72	13.675	102	311.849
13	0.169	43	1.069	73	15.150	103	333.962
14	0.213	44	1.142	74	16.860	104	356.207
15	0.254	45	1.219	75	18.815	105	380.000
16	0.293	46	1.318	76	21.031	106	400.000
17	0.328	47	1.454	77	23.540	107	400.000
18	0.359	48	1.627	78	26.375	108	400.000
19	0.387	49	1.829	79	29.572	109	400.000
20	0.414	50	2.057	80	33.234	110	400.000
21	0.443	51	2.302	81	37.533	111	400.000
22	0.473	52	2.545	82	42.261	112	400.000
23	0.513	53	2.779	83	47.441	113	400.000
24	0.554	54	3.011	84	53.233	114	400.000
25	0.602	55	3.254	85	59.855	115	400.000
26	0.655	56	3.529	86	67.514	116	400.000
27	0.688	57	3.845	87	76.340	117	400.000
28	0.710	58	4.213	88	86.388	118	400.000
29	0.727	59	4.631	89	97.634	119	400.000
						120	1000.000

APPENDIX III  
 Projection Scale G2  
 Female, Age Nearest Birthday

AGE	G2 <sub>x</sub>	AGE	G2 <sub>x</sub>	AGE	G2 <sub>x</sub>	AGE	G2 <sub>x</sub>
	<b>00.010</b>	30	<b>0.010</b>	60	<b>0.013</b>	90	<b>0.006</b>
	<b>10.010</b>	31	<b>0.010</b>	61	<b>0.013</b>	91	<b>0.006</b>
	<b>20.010</b>	32	<b>0.010</b>	62	<b>0.013</b>	92	<b>0.005</b>
	<b>30.010</b>	33	<b>0.010</b>	63	<b>0.013</b>	93	<b>0.005</b>
	<b>40.010</b>	34	<b>0.010</b>	64	<b>0.013</b>	94	<b>0.004</b>
	<b>50.010</b>	35	<b>0.010</b>	65	<b>0.013</b>	95	<b>0.004</b>
	<b>60.010</b>	36	<b>0.010</b>	66	<b>0.013</b>	96	<b>0.004</b>
	<b>70.010</b>	37	<b>0.010</b>	67	<b>0.013</b>	97	<b>0.003</b>
	<b>80.010</b>	38	<b>0.010</b>	68	<b>0.013</b>	98	<b>0.003</b>
	<b>90.010</b>	39	<b>0.010</b>	69	<b>0.013</b>	99	<b>0.002</b>
	<b>100.010</b>	40	<b>0.010</b>	70	<b>0.013</b>	100	<b>0.002</b>
	<b>110.010</b>	41	<b>0.010</b>	71	<b>0.013</b>	101	<b>0.002</b>
	<b>120.010</b>	42	<b>0.010</b>	72	<b>0.013</b>	102	<b>0.001</b>
	<b>130.010</b>	43	<b>0.010</b>	73	<b>0.013</b>	103	<b>0.001</b>
	<b>140.010</b>	44	<b>0.010</b>	74	<b>0.013</b>	104	<b>0.000</b>
	<b>150.010</b>	45	<b>0.010</b>	75	<b>0.013</b>	105	<b>0.000</b>
	<b>160.010</b>	46	<b>0.010</b>	76	<b>0.013</b>	106	<b>0.000</b>
	<b>170.010</b>	47	<b>0.010</b>	77	<b>0.013</b>	107	<b>0.000</b>
	<b>180.010</b>	48	<b>0.010</b>	78	<b>0.013</b>	108	<b>0.000</b>
	<b>190.010</b>	49	<b>0.010</b>	79	<b>0.013</b>	109	<b>0.000</b>
	<b>200.010</b>	50	<b>0.010</b>	80	<b>0.013</b>	110	<b>0.000</b>
	<b>210.010</b>	51	<b>0.010</b>	81	<b>0.012</b>	111	<b>0.000</b>
	<b>220.010</b>	52	<b>0.011</b>	82	<b>0.012</b>	112	<b>0.000</b>
	<b>230.010</b>	53	<b>0.011</b>	83	<b>0.011</b>	113	<b>0.000</b>
	<b>240.010</b>	54	<b>0.011</b>	84	<b>0.010</b>	114	<b>0.000</b>
	<b>250.010</b>	55	<b>0.012</b>	85	<b>0.010</b>	115	<b>0.000</b>
	<b>260.010</b>	56	<b>0.012</b>	86	<b>0.009</b>	116	<b>0.000</b>
	<b>270.010</b>	57	<b>0.012</b>	87	<b>0.008</b>	117	<b>0.000</b>
	<b>280.010</b>	58	<b>0.012</b>	88	<b>0.007</b>	118	<b>0.000</b>
	<b>290.010</b>	59	<b>0.013</b>	89	<b>0.007</b>	119	<b>0.000</b>
						120	<b>0.000</b>

APPENDIX IV  
 Projection Scale G2  
 Male, Age Nearest Birthday

AGE	G2 <sub>x</sub>	AGE	G2 <sub>x</sub>	AGE	G2 <sub>x</sub>	AGE	G2 <sub>x</sub>
0	0.010	30	0.010	60	0.015	90	0.007
1	0.010	31	0.010	61	0.015	91	0.007
2	0.010	32	0.010	62	0.015	92	0.006
3	0.010	33	0.010	63	0.015	93	0.005
4	0.010	34	0.010	64	0.015	94	0.005
5	0.010	35	0.010	65	0.015	95	0.004
6	0.010	36	0.010	66	0.015	96	0.004
7	0.010	37	0.010	67	0.015	97	0.003
8	0.010	38	0.010	68	0.015	98	0.003
9	0.010	39	0.010	69	0.015	99	0.002
10	0.010	40	0.010	70	0.015	100	0.002
11	0.010	41	0.010	71	0.015	101	0.002
12	0.010	42	0.010	72	0.015	102	0.001
13	0.010	43	0.010	73	0.015	103	0.001
14	0.010	44	0.010	74	0.015	104	0.000
15	0.010	45	0.010	75	0.015	105	0.000
16	0.010	46	0.010	76	0.015	106	0.000
17	0.010	47	0.010	77	0.015	107	0.000
18	0.010	48	0.010	78	0.015	108	0.000
19	0.010	49	0.010	79	0.015	109	0.000
20	0.010	50	0.010	80	0.015	110	0.000
21	0.010	51	0.011	81	0.014	111	0.000
22	0.010	52	0.011	82	0.013	112	0.000
23	0.010	53	0.012	83	0.013	113	0.000
24	0.010	54	0.012	84	0.012	114	0.000
25	0.010	55	0.013	85	0.011	115	0.000
26	0.010	56	0.013	86	0.010	116	0.000
27	0.010	57	0.014	87	0.009	117	0.000
28	0.010	58	0.014	88	0.009	118	0.000
29	0.010	59	0.015	89	0.008	119	0.000
						120	0.000

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

**NOTICE OF SECOND PROPOSED RULEMAKING**

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in THE Omnibus Alcoholic Beverage Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-187; D.C. Official Code § 25-211(b) (2012 Repl. & 2014 Supp.)), and Mayor's Order 2001-96 (June 28, 2001) as revised by Mayor's Order 2001-102 (July 23, 2001), hereby gives notice of the intent to amend and reorganize Chapter 16 (Contested Hearings, Non-Contested Hearings, Protest Hearings and Procedures) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

By way of background, the proposed rules amending Chapter 16 were originally adopted by the Board on October 15, 2014 by a six (6) to zero (0) vote, and were published in the *D.C. Register* on December 26, 2014 at 61 DCR 13160 for a thirty (30) day comment period.

On November 13, 2014, the Board held a hearing pursuant to D.C. Official Code § 25-354 (2012 Repl.) to receive public comment on the proposed rules. At the public hearing, the Board received valuable comments and testimony from the public and throughout the comment period. Commenters included members of the industry, ANC Commissioners, D.C. residents and Citizens and Civic Associations.

Most parties who testified before the Board also testified on the Board's other proposed rulemaking, Technical Amendment Rulemaking, which resulted from recent statutory changes and addresses regulations in Title 23 in chapters other than Chapter 16.

Following is a summary of the testimony presented at the public hearing, as well as testimony submitted by written comment, that addresses Chapter 16 only.

Denis James, President of the Kalorama Citizens Association

Mr. James addressed Subsections 1602.5 and 1612.2 regarding protest petitions. He believes those subsections reference a former process whereby protestant groups could canvass their neighborhoods to solicit signatures on a petition. Because this form of protesting is no longer recognized by statute, the reference in the regulations should be deleted too.

Additionally, Mr. James would like to see Groups of Three in moratorium zones restored to the proposed rules. Under the existing rules, protestants only need to form Groups of Three in moratorium zones, and he believes that language should be retained.

Thirdly, Mr. James objected to the proposed rule regarding the requirement that Groups of Five or More Individuals would be defined by the members set forth in the protest petition. He does not think protest groups should be closed as to its membership at the time the protest is filed. He believes there are times when a neighbor or two may simply appear at a Roll Call Hearing without having previously joined a protest group. Those persons should be permitted to join the

already constituted protest group, and the Board's Agent should be given the authority to permit non-protestants to join an already formed group at Roll Call. The Board should not adopt any rule that suppresses citizen participation!

Milton Grossman, Resident of Glover Park

Mr. Grossman raised concerns regarding the Board's interpretation of Subsection 1605.2, which states that protestants should state the grounds for the protest under one or more of the appropriateness standards. He believes the Board has taken the position that if the protestant fails to list one of the appropriateness standards, the protest fails. This interpretation conflicts with § 25-601 which does not require a protestant to raise an appropriateness standard in order to have a valid protest.

Mr. Grossman argues that the Board should look to § 25-301 regarding general qualifications where there is a requirement that the Applicant is of good character and generally fit for the responsibilities of licensure. These requirements should also be permitted by the Board as a basis for a protest. Nothing in the statutes or the D.C. Court of Appeals decisions supports the Board's interpretation that the only basis for a protest is the appropriateness objection. To that end, Mr. Grossman requests that the Board delete language in Section 1605 that limits protests to appropriateness grounds.

Additional Written Comments

In addition to the testimony received by those in attendance at the public hearing, the Board also received written comments from several parties.

Ramon Estrada of the Dupont Circle Citizens Association (DCCA) does not believe the proposed regulations go far enough, and suggests that the Board undertake a comprehensive effort to improve the protest process to include administrative hearings. The DCCA believes that applicants should be required to file a new application rather than get a second opportunity to file their renewal application when their first renewal application is dismissed and not reinstated by the Board. The DCCA also requested that the Board permit officers of Condominium Associations be permitted to form the Group of Five Protestants, rather than require five member condo units to form the Group of Five Protestants.

Skip Coburn on behalf of the D.C. Nightlife Association believes that the list of reasons constituting "good cause" should include lack of notice by ABRA when the applicant fails to attend a hearing and the Board dismisses his application. Mr. Coburn also suggests that parties submit their list of issues to be addressed by the mediator in order to limit the language in the Settlement Agreement to only those matters that need to be resolved.

The Shaw Dupont Citizens Alliance (SDCA) requested that the Board issue Cease and Desist Orders when applications are dismissed, that the word "may" be changed to "shall" in a number of references to Chapter 16, and asked the Board to yoke Applications to Renew Licenses with Petitions to Terminate a Settlement Agreement when both are filed by a licensee at renewal.

Chris Young of the Meridian Hill Neighborhood Association (MHNA) agreed with SDCA regarding the removal of the Board's discretion so that actions required of the Board would be mandatory. MHNA also commented that the overall proposed rules are deficient and that the language places residents at a disadvantage because when applicants are dismissed, they only need to pay a fee and re-file, whereas there is no recourse for Protestants who are dismissed from the protest process.

#### Decision of the Board

The Board took the views of those who submitted written comments and provided oral testimony into consideration. The Board found the public's input to be valuable and as such, it has made further amendments to the proposed rulemaking.

This second proposed rulemaking draws from the original proposed rulemaking and adopts further amendments suggested by the public. No additional hearings will be held by the Board but the Board welcomes further comments on this second round of proposed rules. Directions for submitting comments may be found at the end of this Notice.

The Board also gives notice of its intent to take final rulemaking action to adopt these rules on a permanent basis in not less than thirty (30) days after the date of publication of this notice of second proposed rulemaking in the *D.C. Register*.

Pursuant to D.C. Official Code § 25-211(b)(2), these proposed rules are also being transmitted to the Council of the District of Columbia (Council) for a ninety (90) day period of review. The final rules shall not become effective absent approval by the Council.

**Title 23 DCMR, ALCOHOLIC BEVERAGES is amended by replacing Chapter 16 in its entirety with the following:**

#### **CHAPTER 16, CONTESTED HEARINGS, NON-CONTESTED HEARINGS, PROTEST HEARINGS, AND PROCEDURES.**

1600 General Provisions

#### **Subchapter I. Protest Provisions**

1601 Administrative Review  
1602 Filing a Protest  
1603 Roll Call Hearing  
1604 Protest Status Hearing  
1605 Party Standing  
1606 Party Dismissal  
1607 Establishment of Geographic Boundaries  
1608 Settlement Conferences  
1609 Mediation  
1610 Settlement Agreements



**Subchapter II. Contested Hearings**

- 1611 Show Cause Hearings
- 1612 Protest Hearings
- 1613 Summary Suspension and Summary Revocation Hearings

**Subchapter III. Non-Contested Hearings**

- 1614 Fact-Finding Hearings
- 1615 Moratorium Hearings

**1600 GENERAL PROVISIONS**

- 1600.1 The provisions of this chapter shall govern the following items:
  - (a) Administrative review hearings, roll call hearings, mediations, or status hearings regarding the issuance, transfer, or renewal of a license, or the making of substantial changes to a licensee's business operations under authority of the Act;
  - (b) Protest hearings regarding the issuance, transfer or renewal of a license, or the making of substantial changes to a licensee's business operations under authority of the Act;
  - (c) Fact-finding hearings on any matter governed by the Act regarding an applicant for a license or a licensee; and
  - (d) Show cause hearings, summary suspension hearings or summary revocation hearings regarding the revocation or suspension of a license issued under the Act.
- 1600.2 The Board may, for good cause shown and in the interest of justice or to prevent hardship, waive any provision of this chapter which is not required by the Act in any proceeding after duly advising the parties of its intention to do so.
- 1600.3 The following hearings held before the Board shall be considered to be contested cases:
  - (a) Protest hearings;
  - (b) Show cause hearings;
  - (c) Summary suspension or summary revocation hearings;
  - (d) Cease and desist hearings; and

(e) Safekeeping hearings.

1600.4 The following hearings held before the Board shall not be considered to be contested cases:

(a) Fact-finding hearings; and

(b) Moratorium hearings and other rulemaking hearings.

1600.5 The provisions of this chapter are intended to be consistent with the District of Columbia Administrative Procedure Act (D.C. Official Code §§ 2-501 *et seq.*). If there is any conflict between this chapter and the District of Columbia Administrative Procedure Act, the District of Columbia Administrative Procedure Act shall govern.

1600.6 If there is any conflict within this chapter, provisions of specific application shall supersede those of general application.

#### [SUBCHAPTER I. PROTEST PROVISIONS]

#### 1601. ADMINISTRATIVE REVIEW

1601.1 The phrase “administrative review” found in Title 25 of the D.C. Official Code shall be considered synonymous with the phrase “roll call hearing” and shall have the same meaning in these regulations.

#### 1602. FILING A PROTEST

1602.1 Only those individuals or entities listed in D.C. Official Code § 25-601 may file a protest against:

(a) The issuance of a new license;

(b) The renewal of an existing license;

(c) The transfer of a license to a new location;

(d) Substantial changes to the nature of the operations of a licensed establishment; and

(e) Changes in license classes.

1602.2 All protests shall be in writing, shall be received by the Board prior to the end of the protest period, and shall state, as grounds for the protest, why the matter being objected to is inappropriate under one (1) or more of the appropriateness

standards set out in D.C. Official Code §§ 25-313 and 25-314 and § 400 of this title.

1602.3 All protests shall be signed by the protestant and contain the protestant's full name, email address if one exists, and mailing address.

1602.4 The Board may require protestants to appear in person before the Board for the purpose of determining that a sufficient number of individuals exist to have standing pursuant to D.C. Official Code § 25-601.

### **1603. ROLL CALL HEARING**

1603.1 The roll call hearing is a non-adversarial hearing conducted by the Board's agent to identify timely filed protests received during the protest period, confer standing to protestant groups, and to set a date for mediation, the status hearing, and the protest hearing. For purposes of this section, the Board's agent shall be defined as an ABRA Office of the General Counsel employee at or above the Grade 12 level, excluding the ABRA General Counsel.

1603.2 Each applicant and each person or group submitting a protest shall attend the roll call hearing in person or appear through a designated representative.

1603.3 The ANC may designate any member or every member of its Commission to participate in the protest process.

1603.4 Failure to appear in person or through a designated representative at the roll call hearing may result in denial of the license application or dismissal of a protest, unless, in the discretion of the Board, good cause is shown for the failure to appear: Examples of good cause for failure to appear include, but are not limited to:

- (a) Sudden, severe illness or accident;
- (b) Death or sudden illness in the immediate family, such as spouse, partner children, parents, siblings;
- (c) Incarceration;
- (d) Severe inclement weather; or
- (e) Arriving after the roll call hearing has concluded.

1603.5 A recommendation by the Board's Agent to dismiss a license application or dismiss a protest for failure to attend the roll call hearing shall be forwarded to the Board for issuance of a written Order. A request for reinstatement of the license application or the protest must be filed with the Board within ten (10) days after

receipt of the Order. In reviewing the request for reinstatement of the license application or the protest, the Board shall consider whether, in the discretion of the Board, the party has shown good cause for his or her failure to appear at the roll call hearing.

- 1603.6 At the roll call hearing, the Board's agent shall have the authority to:
- (a) Regulate the course of the hearing;
  - (b) Request the persons appearing at the hearing to identify themselves, and provide contact information including email addresses;
  - (c) Request or accept written documentation from the parties including letters of representation;
  - (d) Identify the parties with standing and the filed protest issues, if undisputed;
  - (e) Approve a joint request from the parties to schedule mediation;
  - (f) Adjourn a hearing and establish the date when the hearing will be continued; and
  - (g) Take any other action authorized by, or necessary under, this section.
- 1603.7 At the roll call hearing the parties shall be required, on a form prescribed by the Board, to provide their name, address, email address, and telephone numbers, as well as the same information for any attorney or non-attorney representative representing the parties. The parties shall also indicate on the form their consent to service by electronic means to his or her email address or to the email address of his or her attorney or representative.
- 1603.8 Upon the scheduling of the roll call hearing, all parties shall be prohibited from participating in any ex parte communication with the Board's agent relevant to the merits of the proceeding. This shall include any oral or written communication not in the public hearing record with respect to which reasonable prior notice is not given to all parties to the proceeding.
- 1603.9 The roll call hearing shall be open to the public and transcribed by a certified court reporter.

#### **1604. PROTEST STATUS HEARING**

- 1604.1 The protest status hearing is a proceeding held by the Board at which the parties address any unresolved legal issues from the Roll Call hearing or address motions or pleadings previously filed with the Board.

1604.2 At the protest status hearing, the parties also inform the Board of their progress in reaching a settlement agreement. The Board in its discretion may set another status hearing if the Board determines that the parties are close to reaching a settlement agreement or that mediation might be helpful.

1604.3 The protest status hearing shall be open to the public and transcribed by a certified court reporter.

**1605. PARTY STANDING OF A GROUP OF FIVE OR MORE RESIDENTS OR PROPERTY OWNERS**

1605.1 A protestant group of five or more residents or property owners of the District sharing common ground, or in a moratorium zone established under § 25-351, a group of no fewer than three residents or property owners of the District, will be granted standing once five or more individuals of the group have appeared at either the roll call hearing or at the protest status hearing. Notwithstanding 1603.2, at least five individuals of the Group of Five or More Individuals must appear in person at either the roll call hearing or the protest status hearing.

1605.2 Members of a protestant group of five or more residents or property owners, or a protestant group of three or more residents located in a moratorium zone, may submit written statements of designation of a representation. A member of a protestant Group of Five or More Individuals may be represented by a designated representative before the Board once the protestant Group of Five or More Individuals has been granted standing.

1605.3 A Group of Five or More Individuals will be defined by the members set forth in the protest or protest petition.

**1606. PARTY DISMISSAL**

1606.1 In the event that an applicant or a protestant is dismissed and not reinstated by the Board for good cause after failing to appear at either an administrative review, roll call hearing, status hearing, or protest hearing, the Board may deny the license application and/or dismiss the protest.

1606.2 In the event that an applicant's request to renew its license is dismissed and not reinstated by the Board for good cause, the applicant shall be permitted to submit a second renewal application upon the filing of a late fee of \$1,000.

1606.3 The re-filed second renewal application shall be submitted to ABRA within ten (10) calendar days of receipt of the Board's order dismissing the license application or not reinstating the license application in the event that a request for reinstatement was filed by the applicant. In the event that the applicant fails to resubmit its second renewal application within ten (10) calendar days, the Board

shall issue a cease and desist order to the applicant notifying the business to immediately cease the sale and/or service of alcoholic beverages.

1606.4 In the event that a second renewal application is re-filed by an applicant within ten (10) calendar days, any protestants that appeared at the administrative hearing, roll call hearing, or status hearing where the applicant was dismissed for failure to appear shall not be required to refile a previously submitted valid protest letter.

1606.5 In the event that an applicant's re-filed second renewal application is dismissed for failure to appear at a hearing and not reinstated by the Board for good cause, the license renewal application shall be denied. The applicant shall be required to file a new license application, unless prohibited by a liquor license moratorium, and shall not be permitted to file a third license renewal application. The Board shall issue a cease and desist order to the applicant notifying the business to immediately cease the sale and/or service of alcoholic beverages. The cease and desist order shall be sent to the applicant after ten (10) calendar days of the applicant's receipt of the Board's order dismissing the license application or not reinstating the license application in the event that a request for reinstatement was filed by the applicant.

1606.6 In the event that an applicant's request to terminate or amend its settlement agreement is dismissed and not reinstated by the Board for good cause, the applicant shall not be permitted to file a subsequent request to terminate or amend its settlement agreement until the next three-year renewal period.

#### **1607. ESTABLISHMENT OF GEOGRAPHIC BOUNDARIES**

1607.1 Upon recognition by the Board of a properly filed protest at a roll call hearing, the applicant shall be required to select one of the geographic areas listed below that the applicant proposes be considered in determining the appropriateness of the establishment. The applicant shall submit the proposed boundaries to the Board and the protestants no later than ten (10) calendar days after the roll call hearing.

1607.2 Upon recognition by the Board of a properly filed protest at a roll call hearing, the applicant shall be required to select one of the geographic areas listed below that the applicant proposes be considered in determining the appropriateness of the establishment. The applicant shall submit the proposed boundaries to the Board and the protestants no later than ten (10) calendar days after the roll call hearing. The applicant shall be deemed to have selected the "section" geographic area if it fails to submit boundaries to the Board within the ten (10) calendar day period.

1607.3 Any protestant may object to the area and boundaries proposed by an applicant by filing a written objection with the Board no later than thirty (30) calendar days after receipt of the applicant's proposed boundaries. The objection shall also be served on the applicant by any of the means set forth in § 1703. The objection shall state in detail the following:

- (a) The reasons for objecting to the boundaries proposed by the applicant;
  - (b) The boundaries proposed by the objector; and
  - (c) The reasons why the objector's boundaries should be adopted by the Board.
- 1607.4 The applicant's submission shall be served on the objector by any of the means set out in § 1703 and received by the Board no later than eight (8) calendar days after receipt of the applicant's submission.
- 1607.5 Any objector or applicant who makes a submission to the Board pursuant to §§ 1607.1, 1607.2, 1607.3, or 1607.4, may forward written argument or documentary evidence to the Board in support of the boundaries he or she proposes.
- 1607.6 The Board, pursuant to D.C. Official Code § 25-312(b), shall determine, on a case-by-case basis, the size of the area relevant for the appropriateness review. In making this determination, the Board shall consider the overall characteristics of the area, including population, density, and general commercial and residential activities.
- 1607.7 For the purpose of determining the appropriateness of a license, the geographic areas to be considered by the Board shall be measured pursuant to § 101.1 and shall be as follows:
- (a) A “locality,” which shall be the immediate neighborhood of the establishment and whose boundary shall be at a distance of six hundred feet (600 ft.) from the establishment;
  - (b) A “section,” whose boundary shall be at an area larger than the immediate neighborhood and whose boundary shall be at a distance of twelve hundred feet (1,200 ft.) from the establishment; and
  - (c) A “portion,” whose boundary shall be at an area larger than a “section” and whose boundary shall be at a distance of eighteen hundred feet (1,800 ft.) from the establishment.
- 1607.8 In determining the area to be considered, the Board shall consider the report of the Board's investigators concerning the overall characteristics of the alternative areas, including the following:
- (a) The population and density of the areas surrounding the establishment;
  - (b) The general commercial and residential activities in the areas surrounding the establishment; and

- (c) Geographical factors, such as parks, rail lines, major thoroughfares, bodies of water, cemeteries, and unimproved or unused property, which may tend to define physically an area to be considered.

1607.9 In determining the area to be considered, the Board shall also consider the evidence and testimony of a party proposing a particular area of consideration, when the proposal is based on an assertion of:

- (a) Historical patterns of commercial or residential activity leading to an identification of a given area as a distinct, generally-recognized neighborhood, or larger area; or
- (b) Any other reason not included in § 1607.2.

1607.10 The Board shall make a final decision on the boundaries without a hearing and based on the submissions received from the applicant and the objector.

1607.11 The Board's final decision shall be made and announced at the first status hearing for the application at issue.

#### **1608. SETTLEMENT CONFERENCES**

1608.1 The phrase “settlement conference” found in Title 25 of the D.C. Official Code shall be considered synonymous with the phrase “mediation” and shall have the same meaning in these regulations.

#### **1609. MEDIATION**

1609.1 Whenever a protest is filed, all parties shall attend mediation on a mutually convenient date prior to the scheduled protest status hearing or the protest hearing. The date of the mediation may be arranged at the roll call hearing or may be arranged at any other time.

1609.2 The parties at a mediation may enter into a settlement agreement, as provided for in § 1610, and shall submit, on or before the date of the scheduled protest status hearing or the protest hearing, the settlement agreement to the Board for approval.

1609.3 If the parties fail to reach a settlement agreement on one or more of the protest issues, they shall so state at the scheduled protest status hearing or the protest hearing and the Board shall thereupon proceed with a protest hearing as to all unresolved issues of fact.

#### **1610. SETTLEMENT AGREEMENTS**



- 1610.1 The terms of a settlement agreement submitted by the parties shall be consistent with District of Columbia law and shall be in compliance with D.C. Official Code §§ 25-446.01 and 25-446.02.
- 1610.2 The Board may initiate a “Notice to Show Cause Hearing” upon evidence that the holder of a license has violated the material terms of the agreement. Upon a determination that the licensee has materially violated the agreement, the Board may suspend or revoke the license or impose any other penalty authorized by the Act or this title.
- 1610.3 A request to amend a cooperative/voluntary agreement shall be considered by the Board pursuant to the substantial change and notice procedures set forth in D.C. Official Code §§ 25-404 and 25-762.
- 1610.4 Upon finding that a licensee has materially violated its Settlement Agreement, the Board may also fine a licensee pursuant to the range of fines set forth in D.C. Official Code § 25-830.
- 1610.5 The phrase “settlement agreement” found in Title 25 of the D.C. Official Code shall be deemed equivalent to the term “cooperative agreement”, or “voluntary agreement” used in Title 23 of the D.C. Municipal Regulations.
- 1610.6 If the Board determines that a settlement agreement submitted by the parties does not comply with all applicable laws and regulations, or otherwise exceeds the Board's expertise to enforce, the Board may condition approval of the settlement agreement on the parties' acceptance of modifications of the agreement proposed by the Board. If the parties reject the modifications proposed by the Board, they may submit a new settlement agreement for Board review that complies with D.C. Official Code §§ 25-446.01 and 25-446.02 and is within the Board's expertise to enforce, or proceed to a protest hearing.
- 1610.7 Settlement agreements must be submitted by the parties to the Board for the Board's consideration no later than ninety (90) days after the execution of the settlement agreement by parties who are signatories to the settlement agreement.

## [SUBCHAPTER II. CONTESTED HEARINGS]

### **1611. SHOW CAUSE HEARINGS**

- 1611.1 Whenever the Board has reasonable cause to believe that any license or permit should be fined, revoked, or suspended pursuant to Chapter 8 of Title 25 of the D.C. Official Code, it shall notify the person to whom the license or permit was issued by personal service or certified mail at the last address recorded by that person with the Board, citing that person to appear before the Board not less than thirty (30) days thereafter. The notice shall state the time and place set by the Board for the hearing.

- 1611.2 The licensee or permittee shall appear in his or her defense in person and may have representation by counsel or other designated representative, and shall be entitled to offer evidence before the Board with respect to the charges.
- 1611.3 If the person whose license or permit is sought to be fined, revoked, or suspended waives the hearing or fails to appear at the time and place set for the hearing, the Board may proceed ex parte, unless the Board extends the time for the hearing.
- 1611.4 The Board shall make its findings of fact based upon the evidence which has been presented to it.
- 1611.5 The Board may, in its discretion, accept from both (1) the licensee or permittee and (2) the Office of the Attorney General or the prosecuting entity an offer in compromise and settlement to resolve the charges brought at the show cause hearing by the District of Columbia against the licensee. An offer in compromise and settlement may be tendered to the Board at any time prior to the issuance of a decision by the Board on the contested matter.
- 1611.6 An offer submitted by the parties and accepted by the Board shall constitute a waiver of appeal and judicial review.
- 1611.7 Any fines collected by the Board shall be paid forthwith, unless otherwise ordered by the Board, to the D.C. Treasurer and credited to the General Fund.
- 1611.8 The issuance of an advisory opinion by the Board pursuant to § 1902 of this title may also result in the issuance of a show cause notice under this section.

## **1612. PROTEST HEARINGS**

- 1612.1 Whenever any objection is filed to any of the licensing actions set out in § 1602.1, whether by protest or by submission of Protest Petitions, the Board shall hold an adjudicatory proceeding, known as a “protest hearing,” for the purpose of receiving evidence and testimony regarding the appropriateness of the licensing action.
- 1612.2 The parties to a protest hearing shall be the applicant or licensee and the protestants. For the purpose of this section, “protestant” shall mean any eligible person, group, ANC, government agency or organization with standing under D.C. Official Code § 25-601 that has submitted a written protest.
- 1612.3 At the protest hearing, an applicant or licensee may give a brief opening statement summarizing the evidence and testimony he or she intends to produce regarding the appropriateness of the application or license at issue. Thereafter, the protestant may give a brief opening statement summarizing the evidence he or she intends to

present to rebut or overcome the evidence and argument presented by the applicant or licensee.

- 1612.4 At the conclusion of the opening statements, the Board shall call its own witnesses, if any, who shall testify to the results of their investigation into the appropriateness of the establishment.
- 1612.5 At the conclusion of testimony by the Board's witnesses, if any, the applicant shall call its witnesses to give testimony and present evidence regarding the appropriateness of the establishment, as set forth in § 400 of this title.
- 1612.6 At the conclusion of testimony by the applicant's witnesses, the protestant shall call witnesses to give testimony and present evidence.
- 1612.7 All witnesses shall testify under oath and shall be subject to questioning by the Board and to cross-examination by the opposing party.
- 1612.8 In any case where there is more than one (1) protestant, the Board, in its discretion, may request that the protestants designate one (1) person to conduct the protestants' case, to give the opening and closing statements, and to cross-examine the applicant's witnesses.

### **1613 SUMMARY SUSPENSION AND SUMMARY REVOCATION HEARINGS**

- 1613.1 In rendering a decision on a summary suspension hearing, the Board may suspend or restrict the license of the licensee. Additionally, the Board may keep the licensee in the summary suspension proceeding to monitor the licensee to make a determination if the conditions placed by the Board on the licensee are effective.
- 1613.2 In rendering a decision on a summary revocation hearing, the Board may revoke, suspend, or restrict an applicant's license if it determines that the operations of the licensee present an imminent danger to the health and safety of the public pursuant to D.C. Official Code §§ 25-826 and 25-827.

### **[SUBCHAPTER III. NON-CONTESTED HEARINGS]**

### **1614 FACT-FINDING HEARINGS**

- 1614.1 Prior to rendering a final decision on a licensing request or an ABRA Investigative Report, the Board may hold a fact-finding hearing to obtain further information from an applicant or licensee.
- 1614.2 A licensee shall not be fined, suspended, or revoked at a fact-finding hearing. However, information provided at a fact-finding hearing may result in the issuance of a show cause notice pursuant to § 1611 or other enforcement action permitted under the Act or this title.

**1615 MORATORIUM HEARINGS**

- 1615.1 The Board shall hold moratorium hearings pursuant to the requirements set forth in D.C. Official Code §§ 25-353 and 25-354.

Copies of the proposed rulemaking can be obtained by contacting Martha Jenkins, General Counsel, Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., 4th Floor, Washington, D.C. 20009. All persons desiring to comment on the emergency and proposed rulemaking must submit their written comments, not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*, to the above address or via email to [martha.jenkins@dc.gov](mailto:martha.jenkins@dc.gov).

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA****NOTICE OF PROPOSED RULEMAKING****Z.C. Case No. 14-11****(Text Amendment – 11 DCMR)****(Text Amendments to Chapters 1, 3 4, 26, and 31, Maximum Height and Minimum Lot Dimension Requirements and Use Permissions in the R-4 District)**

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2012 Repl.)), hereby gives notice of its intent to amend §§ 199, 330, 336, 337, 400, 401, 2602, 2603, and 3401 of Title 11 (Zoning) of the District of Columbia Municipal Regulations (DCMR).

The proposed rules are intended to address concerns heard by the Commission with respect to what have come to be called “pop ups.” A pop up generally is a row dwelling upon which an addition is constructed that results in the structure visibly rising above the roofs of adjacent dwellings. Pop ups have been on the increase in R-4 Zone Districts where a maximum height of forty (40) feet is permitted and where buildings existing prior to May 12, 1958 may be converted to apartment houses provided there is nine hundred square feet (900 sq. ft.) of land area for each existing and added unit.

If adopted by the Commission, the proposed amendments would reduce the matter-of-right height for R-4 buildings to thirty-five feet (35 ft.), except that a height of forty feet (40 ft.) would be permitted for new construction of three (3) or more immediately adjoining residential row dwellings built concurrently on separate record lots (§ 400.1). The existing three (3)-story limit would remain for all buildings. Special exception relief from the thirty-five foot (35 ft.) height limitation would be available provided that certain conditions are met (§ 400.23). The definition of “mezzanine” would also be amended to provide that in an R-4 Zone District a mezzanine would be considered a story in determining the maximum number of permitted stories within a principal structure, but not for an accessory building.

The proposed text distinguishes between conversion of residential buildings and non-residential buildings through new §§ 330.7 and 330.8. The conversion of non-residential buildings would continue to be permitted without a limit on the number of units (§ 330.8), while the matter-of-right conversion of a residential building would be limited to four (4) units (§ 330.7). Both §§ 330.7 and 330.8 imposed specific sets of conditions for the types of conversions each govern, including the requirement that there must be nine hundred square feet (900 sq. ft.) of land area for each unit. One condition for the conversion of a residential building is that the fourth (4<sup>th</sup>) unit must be set-aside for eligible moderate-income households pursuant to the Inclusionary Zoning (“IZ”) regulations set forth in Chapter 26.

Special exception relief would be available from most, but not all of the residential and non-residential conversion conditions (§§ 336 and 337). For example, special exception relief for residential conversions is not available from either the IZ set-aside or the minimum land area requirement. If special exception relief is granted from the four (4)-unit maximum applicable to

residential conversions, the fourth (4<sup>th</sup>) unit and every additional even number unit would be subject to the same Inclusionary Zoning requirement just described. A conversion involving a height in excess of thirty-five feet (35 ft.), would be subject to the special exception relief provisions of §§ 336 or 337, rather than § 400.23.

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

**The following amendments to the Zoning Regulations are proposed:**

**Chapter 1, THE ZONING REGULATIONS, is amended as follows:**

**§ 199.1, DEFINITIONS, is amended by amending the definition of “Mezzanine” to add the phrase “Except in an R-4 District,” to the second sentence and by adding a new third sentence so that the definition will read as follows:**

**Mezzanine** - a floor space within a story between its floor and the floor or roof next above it and having an area of not more than one-third (1/3) of the area of the floor immediately below. Except in an R-4 District, a mezzanine shall not be considered a story in determining the maximum number of permitted stories. In an R-4 District, a mezzanine shall be considered a story in determining the maximum number of permitted stories within in a principal structure but shall not be considered a story in determining the maximum number of permitted stories within an accessory building.

**Chapter 3, R-2, R-3, R-4, AND R-5 RESIDENCE DISTRICT USE REGULATIONS, is amended as follows:**

**Section 330, R-2 DISTRICTS: GENERAL PROVISIONS, is amended as follows:**

**Subsection 330.5(e) is repealed so that the entire subsection reads as follows:**

330.5 The following uses shall be permitted as a matter of right in an R-4 District:

- (a) Any use permitted in R-3 Districts under § 320.3;
- (b) Child/Elderly development center located in a building that was built as a Church hand that has been used continuously as a church since it was built; provided, that all of the play space required for the center by the licensing regulations shall be located on the same lot on which the center is located;

- (c) Child/Elderly development center or adult day treatment facility; provided, that the center shall be limited to no more than sixteen (16) individuals;
- (d) Community-based residential facility; provided that, notwithstanding any provision in this title to the contrary, the Zoning Administrator has determined that such community-based residential facility, that otherwise complies with the zoning requirements of this title that are of general and uniform applicability to all matter-of-right uses in an R-4 District, is intended to be operated as housing for persons with handicaps. For purposes of this subsection, a "handicap" means, with respect to a person, a physical or mental impairment which substantially limits one or more of such person's major life activities, or a record of having, or being regarded as having, such an impairment, but such item does not include current, illegal use of, or addiction to, a controlled substance;
- (e) [REPEALED]
- (f) Flat;
- (g) Hospital, sanitarium, or clinic for humans;
- (h) Museum; and
- (i) Private club, lodge, fraternity house, sorority house, or dormitory, except when the use is a service customarily carried on as a business.

**By adding new §§ 330.7 and 330.8 to read as follows:**

- 330.7 Conversion of an existing residential building existing prior to May 12, 1958 to an apartment house shall be permitted as a matter of right in the R-4 District subject to the following conditions:
- (a) There is an existing residential building on the property at the time of filing an application for a building permit;
  - (b) No more than one (1) dwelling unit may be located in any accessory building or structure on the same lot as the existing;
  - (c) The maximum height of the residential building and any additions thereto shall not exceed thirty-five feet (35 ft.);
  - (d) There shall be nine hundred square feet (900 sq. ft.) of land area per dwelling unit;

- (e) The conversion shall not result in more than four (4) dwelling units on the lot;
- (f) The fourth (4<sup>th</sup>) dwelling unit shall be subject to the requirements of Chapter 26, Inclusionary Zoning, including the set aside requirement set forth at § 2603.9;
- (g) No more than thirty percent (30%) of the gross floor area of the residential building shall be demolished as part of the conversion;
- (h) An addition shall not extend further than ten feet (10 ft.) past the furthest rear wall of any principal residential building on an adjacent property;
- (i) A roof top architectural element original to the residential building such as a turret, tower, or dormers shall not be removed or significantly altered, including increasing its height, elevation, or size;
- (j) Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code;
- (k) Any addition, including a roof structure or penthouse, shall not interfere with the operation of a solar energy system on an adjacent property; and
- (l) An apartment house in an R-4 District, converted from a residential building prior to [THE EFFECTIVE DATE OF THIS AMENDMENT] shall be considered a conforming use and structure, but shall not be permitted to expand unless approved by the Board of Zoning Adjustment pursuant to §§ 3104.1 and 3104.3 and § 336.

330.8 Conversion of an existing non-residential building or structure existing prior to May 12, 1958 to a residential building or structure shall be permitted as a matter of right in the R-4 District subject to the following conditions:

- (a) There is an existing non-residential building on the property at the time of filing an application for a building permit;
- (b) The maximum height of any additions to the existing structure shall not exceed thirty-five feet (35 ft.);
- (c) There shall be nine hundred square feet of (900 sq. ft.) land area per dwelling unit;
- (d) An addition shall not extend further than ten feet (10 ft.) past the furthest rear wall of any principal residential building or structure on an adjacent property;



- (e) A roof top architectural element original to the structure such as a turret, tower, or dormers shall not be removed or significantly altered, including increasing its height, elevation, or size;
- (f) Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code;
- (g) Any addition, including a roof structure or penthouse, shall not interfere with the operation of a solar energy system on an adjacent property; and
- (h) An apartment house in an R-4 District converted from a non-residential building prior to [THE EFFECTIVE DATE OF THIS AMENDMENT] shall be considered a conforming use and structure, but shall not be permitted to expand unless approved by the Board of Zoning Adjustment pursuant to §§ 3104.1 and 3104.3 and § 337.

**New § 336, CONVERSION OF A RESIDENTIAL BUILDING EXISTING PRIOR TO MAY 12, 1958 TO APARTMENT HOUSES (R-4) and new § 337, CONVERSIONS OF NON-RESIDENTIAL BUILDINGS OR STRUCTURES EXISTING PRIOR TO MAY 12, 1958 TO APARTMENT HOUSES (R-4), are added to read as follows:**

**336 CONVERSION OF A RESIDENTIAL BUILDING EXISTING PRIOR TO MAY 12, 1958 TO APARTMENT HOUSES (R-4)**

- 336.1 Conversion of an existing residential building existing prior to May 12, 1958 to an apartment house and not meeting one (1) or more of the conditions of § 330.7 shall be permitted as a special exception in the R-4 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section, except that no special exception relief shall be available from the requirements of § 330.7(a), (d), or (f).
- 336.2 If relief is requested from the four (4)-unit limitation of § 330.7(e), the fourth (4<sup>th</sup>) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Chapter 26, Inclusionary Zoning, including the set aside requirement set forth at § 2603.9.
- 336.3 Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code.
- 336.4 Any addition, including a roof structure or penthouse, shall not interfere with the operation of a solar energy system on an adjacent property.

336.5 A roof top architectural element original to the house such as a turret, tower, or dormers shall not be removed or significantly altered, including increasing its height, elevation, or size.

336.6 Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

- (a) The light and air available to neighboring properties shall not be unduly affected;
- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and
- (c) The conversion and any associated additions, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the Subject Street or alley.

336.7 In demonstrating compliance with § 336.7, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways.

336.8 The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of a block.

336.9 The Board may modify or waive not more than two (2) of the requirements specified in § 336.4 through § 336.6; provided, that any modification or waiver granted pursuant to this section shall not be in conflict with § 336.7.

**337 CONVERSIONS OF NON-RESIDENTIAL BUILDINGS OR STRUCTURES EXISTING PRIOR TO MAY 12, 1958 TO APARTMENT HOUSES (R-4)**

337.1 Conversion of a non-residential building or other structure existing prior to May 12, 1958 to an apartment house and not meeting one (1) or more of the requirements of § 330.8, shall be permitted as a special exception in an R-4 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section, except that no special exception relief shall be available from the requirements of § 330.8(a).

337.2 Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

- (a) The light and air available to neighboring properties shall not be unduly affected;

- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and
- (c) The conversion and any associated additions, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the Subject Street or alley.

337.3 In demonstrating compliance with § 337.2, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways.

337.4 The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of a block.

**Chapter 4, RESIDENCE DISTRICT: HEIGHT, AREA, AND DENSITY REGULATIONS, is amended as follows:**

**Section 400, HEIGHT OF BUILDINGS OR STRUCTURES (R), is amended as follows:**

**Subsection 400.1 is amended to provide height limits specific to the R-4 District and § 4001.2 is amended to add a cross-reference to new § 400.23, so that both subsections read as follows:**

400.1 Except as specified in this chapter and in Chapters 20 through 25 of this title, the height of buildings or structures in a Residence District shall not exceed that given in the following table:

ZONE DISTRICT	MAXIMUM HEIGHT (Feet)	MAXIMUM HEIGHT (Stories)
R-1-A, R-1-B, R-2, R-3, R-5-A	40	3
R-5-B	50	no limit
R-5-C	60	no limit
R-5-D	90	no limit
R-5-E	90	no limit
<b>R-4 ZONE DISTRICT</b>		
New construction of three (3) or more immediately adjoining residential row dwellings built concurrently on separate record lots	40	3
All other structures	35	3

400.2 Except as provided in § 2510, the height of buildings or structures specified in § 400.1 may be exceeded as provided in §§ 400.3 through 400.13 and § 400.23.

**A new § 400.23 is added to read as follows:**

400.23 In an R-4 District, a building or other structure may be erected to a height not exceeding forty feet (40 ft.) and shall be permitted as a special exception in the R-4 District if approved by the Board of Zoning Adjustment, under § 3104, subject to the following conditions, except that if the building is being converted to an apartment house, special exception relief from the thirty-five foot (35 ft.) height limitation is only available pursuant to §§ 336 or 337 as applicable:

- (a) The applicant shall demonstrate that the overall building or structure height or upper addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:
  - (1) The light and air available to neighboring properties shall not be unduly affected;
  - (2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
  - (3) An addition shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code;
  - (4) An addition shall not interfere with the operation of a solar energy system on an adjacent property; and
  - (5) The resulting building or structure height, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage;
- (b) The applicant shall demonstrate that overall building or structure height or upper addition resulting from the additional five feet (5 ft.) will not have a substantially adverse effect on the defining architectural features of the building or result in the removal of such features; and
- (c) In demonstrating compliance with §§ 400.23(a) and (b), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the new or extended building or structure to adjacent buildings and views from public ways.

**Section, 401, MINIMUM LOT DIMENSIONS (R), is amended as follows:**

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By amending the portion of the table appended to § 401.3 pertaining to the conversion of a building or structure to an apartment house in an R-4 District by inserting the phrase “pursuant §§ 330.6 or 330.7” in the left hand column, so that portion of the table reads as follows:

n/a	MINIMUM LOT AREA (square feet)	MINIMUM WIDTH OF LOT (feet)
R-4 Conversion of a building or structure pursuant §§ 330.6 or 330.7 to an apartment house	900 sq. ft. /apartment or bachelor apartment	None prescribed.

By amending § 401.11 to strike the phrase “pursuant to § 330.5(e)” and insert the phrase “pursuant to former § 330.5(e) or existing §§ 330.6 or 330.7” in its place, so that the subsection reads as follows:

401.11 An apartment house in an R-4 District, whether converted from a building or structure pursuant to former § 330.5(e) or existing §§ 330.6 or 330.7, or existing before May 12, 1958, may not be renovated or expanded so as to increase the number of dwelling units unless there are nine hundred square feet (900 sq. ft.) of lot area for each dwelling unit, both existing and new.

**Chapter 26, INCLUSIONARY ZONING, is amended as follows**

**Section 2602, APPLICABILITY, § 2602 is amended to read as follows:**

- 2602.2 A development with less than ten (10) dwelling units shall become subject to this chapter upon the filing of an application for a building permit to:
- (a) Add one (1) or more dwelling units to a new development within a two (2)-year period after the issuance of the last certificate of occupancy, if the construction for which application has been filed would result in the development having ten (10) or more dwelling units;
  - (b) Convert a one (1)-family dwelling or flat to an apartment house in the R-4 District for four (4) or more dwelling units; or
  - (c) Convert a non-residential building to an apartment house in the R-4 District for ten (10) or more units.

**Section 2603, SET-ASIDE REQUIREMENTS, is amended to as follows:**

Subsection 2603.1 is amended by adding the phrase “Except as provided in § 2603.8” so that the entire subsection reads as follows:

2603.1 Except as provided in § 2603.8, an inclusionary development for which the primary method of construction does not employ steel and concrete frame structure located in an R-2 through an R-5-B District or in a C-1, C-2-A, W-0, or W-1 District shall devote the greater of ten percent (10%) of the gross floor area being devoted to residential use or seventy-five percent (75%) of the bonus density being utilized for inclusionary units.

**Subsection 2603.3 is amended by adding the phrase “Except as provided in § 2603.9” so that the entire subsection reads as follows:**

2603.3 Except as provided in § 2603.9, Inclusionary developments located in R-3 through R-5-E, C-1, C-2-A, StE, W-0, and W-1 Districts shall set aside fifty percent (50%) of inclusionary units for eligible low-income households and fifty percent (50%) of inclusionary units for eligible moderate-income households. The first inclusionary unit and each additional odd number unit shall be set aside for low-income households.

**New §§ 2603.8 and 2603.9 are added to read as follows:**

2603.8 An Inclusionary development that results from a conversion of a one (1)-family dwelling or flat to an apartment house in the R-4 District for four (4) or more dwelling units shall set aside every even numbered dwelling unit beginning at the fourth unit as an inclusionary unit.

2603.9 An Inclusionary development that results from a conversion of a one (1)-family dwelling or flat to an apartment house in the R-4 District for four (4) or more dwelling units shall set aside one hundred percent (100%) of inclusionary units for eligible moderate-income households.

**Chapter 31, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, § 3104, SPECIAL EXCEPTIONS, is amended by inserting alphabetically the following new special exceptions into the chart appended to § 3104.1:**

TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED
Height in excess of 35 feet to a maximum of 40 feet in R-4 Districts as specified in § 400.1	R-4 District	§ 423
Conversion of non-residential building to apartment house not meeting the requirements of 330.8	R-4 District	§ 337

TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED
Conversion of residential building to apartment house not meeting the requirements of § 330.7	R-4 District	§ 336

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, D.C. 20001. Ms. Schellin may also be contacted by telephone at (202) 727-6311 or by email: at [Sharon.Schellin@dc.gov](mailto:Sharon.Schellin@dc.gov). Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

## OFFICE OF THE CITY ADMINISTRATOR

NOTICE OF SECOND EMERGENCY AND PROPOSED RULEMAKING

The City Administrator, on behalf of the Mayor, pursuant to the authority under Title IX of the Firearms Regulations Control Act of 1975 (Act), effective January 6, 2015 (D.C. Act 20-564; 62 DCR 866 (January 23, 2015)), and any substantially similar emergency, temporary, or permanent versions of this legislation, and Mayor's Order 2015-036, dated January 9, 2015, hereby gives notice of the adoption, on an emergency basis, of an amendment to Chapter 12 (Concealed Pistol Licensing Review Board) of Title 1 (Mayor and Executive Agencies) of the District of Columbia Municipal Regulations (DCMR).

This emergency rulemaking is necessary to amend procedures for the newly-created Concealed Pistol Licensing Review Board (Board) to provide for the conduct of appeals by summary disposition for any denials of an application for a concealed pistol license issued by the Chief of the Metropolitan Police Department (Chief), where those appeals do not require an oral evidentiary hearing because the appeal does not include a dispute concerning a material fact. *See Kourouma v. FERC*, 723 F.3d 274, 278 (D.C. Cir. 2013).

Additionally, the rulemaking amends the procedures for calculating time when required acts are done by mailing, and establishes procedures for the Board to stay an appeal and submit any issue to the Chief or the appellant for the Chief or appellant's consideration, documentation, or explanation. A recent court decision has determined that such a licensing scheme must be in place before the District of Columbia can enforce its criminal provisions against carrying firearms openly or concealed. As a result of the injunction issued in that decision, there is an immediate need to protect the health, safety, security, and welfare of District residents by having a licensing scheme immediately implemented, as further described in the License to Carry a Pistol Emergency Declaration Resolution, effective September 23, 2014 (Res. 20-615; 61 DCR 10491). Moreover, the establishment of hearing procedures is necessary to protect and promote the health, safety, security, and welfare of District residents by assuring that any applicant that is subject to an adverse decision by the Chief may obtain administrative review of such decision.

This emergency rulemaking supersedes an earlier emergency and proposed rulemaking adopted on January 21, 2015 and published in the *D.C. Register* at 62 DCR 2095 on February 13, 2015. This emergency rulemaking was adopted on April 21, 2015, became effective immediately, and will remain in effect for up to one hundred twenty (120) days or until August 19, 2015, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

In addition, the City Administrator gives notice of the intent to take final rulemaking action to adopt these amendments in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

**A new Chapter 12, CONCEALED PISTOL LICENSING REVIEW BOARD, is added to Title 1 DCMR, MAYOR AND EXECUTIVE AGENCIES, to read as follows:**



## CHAPTER 12 CONCEALED PISTOL LICENSING REVIEW BOARD

<b>Sec.</b>	<b>Title</b>
1200	General Provisions
1201	Computation of Time
1202	Request for Appeal
1203	Notice of Contested Case Hearing
1204	Appearances and Representation
1205	Service of Papers
1206	Record of Meetings and Hearings
1207	Meetings and Hearings
1208	Evidence
1209	Pre-Hearing Conferences and Discovery
1210	Summary Disposition
1211	[RESERVED]
1212	Stipulations
1213	Continuances
1214	Nonappearance of Parties and Defaults
1215	Assignment of Board Members to Hearing Panels
1216	Interpreters
1217	Specific Rules of Hearing Procedure
1218	Burden of Proof
1219	Post-Hearing Procedures
1220	Proposed Findings
1221	Final Decision
1222	Reconsideration
1223	Subpoenas and Depositions
1224	Service of Subpoena or Notice of Deposition
1225	Transcripts: Citation and Cost
1226	Summary Suspension Hearing
1299	Definitions

### **1200 GENERAL PROVISIONS**

- 1200.1 The purpose of this chapter is to implement Section 908 of the Firearms Regulations Control Act of 1975, effective January 6, 2015 (D.C. Act 20-564; 62 DCR 866 (January 23, 2015)), to establish review and hearing procedures for the Concealed Pistol Licensing Review Board (Board) created by the Act.
- 1200.2 In any conflict within this chapter between general and specific provisions, the specific provisions shall govern.
- 1200.3 In any conflict between this chapter and any provision of the Act, the Act shall govern.

1200.4 Any reference to “the Board” shall mean the Concealed Pistol Licensing Review Board created by the Act, or any hearing panel authorized to issue summary dispositions, conduct hearings, and render final decisions by the Act.

1200.5 The Board may, for good cause shown, waive any of the provisions of this chapter if, in the judgment of the Board, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.

## **1201 COMPUTATION OF TIME**

1201.1 In computing any period of time prescribed or allowed by these rules or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included.

1201.2 The last day of the computed period shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday.

1201.3 When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation unless an applicable statute expressly provides otherwise.

1201.4 For the purposes of this chapter, “legal holiday” means the following:

- (a) New Year’s Day;
- (b) Martin Luther King Jr.’s Birthday;
- (c) President’s Day;
- (d) District of Columbia Emancipation Day;
- (e) Memorial Day;
- (f) Independence Day (4th of July);
- (g) Labor Day;
- (h) Columbus Day;
- (i) Veterans Day;
- (j) Thanksgiving Day;
- (k) Christmas Day; and
- (l) Any other day designated a legal holiday by the President of the United

States or the District of Columbia government.

- 1201.5 When an act is required or allowed to be done at or within a specified time, the Board may at any time in its discretion and for good cause shown, do either of the following:
- (a) With or without motion or notice, order the period enlarged, if a request for enlargement of time is made before the expiration of the period originally prescribed or as extended by a previous order; or
  - (b) Upon motion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect.
- 1201.5 When an act is required to be taken within a specified period of time after the receipt of a notice, pleading, or filing, and the notice, pleading, or filing is sent by United States Mail, commercial carrier, or District of Columbia inter-agency mail, the period of time within which the required act must be taken shall begin five (5) calendar days after the date such mailing is shown to have been sent. A party may provide proof that a document has been sent by postmark, proof of service, or other evidence.
- 1201.6 Notwithstanding Subsection 1201.5, an appellant's request for appeal shall be considered timely filed if it is physically received by the Board within fifteen (15) days after the date of the receipt of the notice of the Chief's final action from which the appeal is being requested.

## **1202 APPEALS**

- 1202.1 Within the time periods established by the Act, a person may file an appeal with the Board if the Chief of the Metropolitan Police Department (Chief) has:
- (a) Denied the person's application or renewal application for a license to carry a concealed pistol in the District pursuant to the Act; or
  - (b) Issued a limitation or revocation of a license to carry a concealed pistol pursuant to the Act.
- 1202.2 An appeal shall be submitted in writing to the Board at the address contained in any notice of final action of the Chief that was issued to the person. The request for appeal shall be filed within fifteen (15) days after the date of the appellant's receipt of the notice of the Chief's final action from which the appeal is being requested. The request for appeal may be filed by hand delivery, electronic mail, or by U.S. Mail or other delivery service, provided that the request for appeal is received by the Board within fifteen (15) days after the date of the appellant's receipt of the notice of the Chief's final action.

- 1202.3 The appeal need not follow any specific format, although blank forms may be created and made available by the Board. An appeal should contain the following information:
- (a) A short description of the Chief's final action being appealed;
  - (b) A description of reasons why the Chief's final action was in error and the relief sought from the Board;
  - (c) A copy of the Chief's final action being appealed;
  - (e) The appellant's full name, address, email address, and telephone and fax numbers, as well as the same information for any attorney representing the appellant in the appeal; and
  - (f) All written materials that the appellant wishes the Board to consider at any hearing.
- 1202.4 Not later than ten (10) days after receipt of the appeal, the Chairperson of the Board shall:
- (a) Assign a three (3) member panel (Panel) and appoint a presiding member (Presiding Member) to review the appeal or assign the appeal to the full Board;
  - (b) Send to the Chief a copy of the appeal, a notice of the names of the three (3) member panel and Presiding Member, if applicable, and a notice to provide the Board with information concerning the final action that is the subject of the appeal; and
  - (c) Send a notice to the appellant of receipt of the appeal, the names of the three (3) member panel, and the Presiding Member, if applicable.
- 1202.5 Not later than ten (10) days after receipt of any information provided by the Chief pursuant to § 1202.4(b), the Board or Panel shall meet to determine if based upon the information submitted by the appellant and Chief the appeal should be resolved through a summary disposition or by a contested case hearing.
- 1202.6 If the Board or Panel determines that, based upon the materials submitted by the appellant and the Chief, the matters in dispute appear to be appropriate for summary disposition, the Board or Panel shall follow the procedures in § 1210.
- 1202.7 If the Board or Panel determines that a contested case hearing is appropriate for the resolution of the appeal, then it shall issue a notice of hearing to the appellant and Chief. The hearing shall be scheduled to take place on a date not less than thirty (30) or more than forty-five (45) days from the date of the notice.

**1203 NOTICE OF CONTESTED CASE HEARING**

- 1203.1 A notice of hearing issued by the Board shall:
- (a) Provide the time, date, and location of the hearing;
  - (b) Reference applicable statutes, rules, or regulations;
  - (c) State the matters in dispute;
  - (d) Advise the parties that they may be represented by counsel or other representative of their choosing;
  - (e) Advise the parties that they may present oral testimony through themselves or witnesses and they may seek to have the attendance of a witness compelled by subpoena; provided, that the name of any witness to be presented by a party is submitted to the opposing party not less than ten (10) days prior to the date of the hearing;
  - (f) Advise the parties that they may present any relevant written or recorded statements made by the parties and any books, papers, documents, photographs, tangible objects, or other evidence which is in their possession for consideration by the Board; provided, that copies of such evidence is delivered to the opposing party not less than ten (10) days prior to the date of the hearing;
  - (g) Advise the parties that any witness may be cross-examined by the opposing party or questioned by any member of the Board;
  - (h) Advise the parties that, pursuant to the Act, the burden of proof, the burden of production of evidence, and the burden of persuasion is on the appellant;
  - (i) Advise the parties that they may present rebuttal evidence within any limits established by the Presiding Member;
  - (j) Advise the parties that they may apply for the services of a qualified interpreter if they or a witness is deaf, hearing impaired, or cannot readily understand or communicate the spoken English language;
  - (k) Advise the appellant that failure to appear for the hearing will, absent good cause to permit the hearing to be rescheduled, result in the Board entering a dismissal of the appeal and sustaining the final action of the Chief; and
  - (l) Advise the parties of the date, time, and location or manner of any pre-hearing conference.

**1204 APPEARANCES AND REPRESENTATION**

1204.1 In a proceeding before the Board, any person or party may:

- (a) Appear on his or her own behalf; or
- (b) Be represented by any other person duly authorized in writing to do so.

1204.2 An authorization provided pursuant to § 1204.1(b) shall be in a manner prescribed by the Board, and shall state either that the individual is an attorney duly licensed to practice law in the District or, if not an attorney duly licensed to practice law in the District of Columbia, that the authorization includes the power of the agent or representative to bind the person in the matter before the Board. An attorney licensed to practice law by a jurisdiction within the United States may represent a person before the Board.

**1205 SERVICE OF PAPERS**

1205.1 Any paper required to be served upon a party shall be served upon him or her or upon the representative designated by him or her, or on any person otherwise designated by law to receive service of papers.

1205.2 When a party has appeared through an attorney or representative, service shall be made upon the attorney or representative of record.

1205.3 Service may be made by personal delivery, by mail, by email, or as otherwise authorized by law.

1205.4 Service upon a party shall be completed as follows:

- (a) By personal delivery: On handing the paper to the person to be served, or leaving it at his or her office with his or her administrative assistant or time clerk or other person in charge, or, if there is no one in charge, leaving it in a conspicuous place in the office; or, if the office is closed or the person to be served has no office, by leaving it at his or her usual place of residence with some person of suitable age and discretion then residing in that place;
- (b) By email: Upon sending the paper electronically to his or her email address or to the email address of his or her attorney or representative as listed on the written appearance submitted pursuant to § 1204.
- (c) By mail: On depositing the paper in the United States mail, properly stamped and addressed to the address provided by a person on any application for license or that appears on any license issued by the Chief; or

(d) Upon being served in the specific manner prescribed by an order of the Board made in any proceeding.

1205.5 Proof of service, stating the name and address of the person on whom served and the manner and date of service, shall be shown for each document served.

1205.6 Proof of service may be made by filing with the Board any of the following:

(a) A written acknowledgment of the party served or his or her attorney of record;

(b) A certificate of the attorney of record if he or she has made the service; or

(c) A certificate of the person making the service.

1205.7 For the purposes of this chapter, the phrase “filing with the Board,” means the actual or electronic delivery to, and physical or electronic receipt by, the Board of pleadings and other papers.

1205.8 All documents filed with the Board relating to a hearing shall bear a caption which identifies the appellant, the Board’s case or reference number, and the title of the pleading or document.

1205.9 All documents filed with the Board shall be printed on letter-sized paper using a font no smaller than twelve (12) point.

## **1206 RECORD OF MEETINGS AND HEARINGS**

1206.1 All meetings of the Board whether open or closed shall be recorded by electronic means; provided, that if a recording is not feasible, detailed minutes of the meeting shall be kept.

1206.2 Changes in the official transcript may be made only when they involve errors affecting substance and upon the filing of a motion by a party to correct a transcript with the Board.

1206.3 Copies of any motion to correct a transcript shall be served simultaneously on all opposing parties or legal representatives.

1206.4 Objections to the motion to correct a transcript shall be filed with the Board within five (5) days and served upon the parties.

1206.5 The transcript may be changed by the Board at a public meeting to reflect any corrections.

**1207 MEETINGS AND HEARINGS**

- 1207.1 Hearings of the Board shall be scheduled as needed for the purpose of receiving evidence and testimony on specific matters.
- 1207.2 Meetings and hearings shall be held at the time and place the Presiding Member designates.
- 1207.3 The Presiding Member may conduct all or part of any prehearing conference or decision meeting by telephone, television, video conference, or other electronic means.
- 1207.4 An evidentiary hearing may be conducted by telephone, television, video conference, or other method only if:
- (a) All parties consent; or
  - (b) The Presiding Member finds that this method will not impair reliable determination of the credibility of testimony, and each party must be given an opportunity to attend, hear, and be heard at the proceeding as it occurs.
- 1207.5 A Board member attending a decision meeting may vote even if the member did not attend any or all of the prior meetings or hearings on a matter before the Board; provided that the Board member has read the transcript or listened to or viewed any available electronic recording of the prior meetings or hearings he or she did not attend and the Board member has reviewed the complete record.

**1208 EVIDENCE**

- 1208.1 Evidence shall be taken in conformity with Section 10(b) of the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-509(b) (2012 Repl.)).
- 1208.2 The Presiding Member may permit rebuttal evidence.
- 1208.3 Any party objecting to the admissibility of evidence shall state the grounds of the objection(s) relied upon.
- 1208.4 A party may place on the record a statement summarizing any evidence excluded by the Presiding Member.
- 1208.5 If excluded evidence consists of documentary evidence, a copy of the evidence shall be marked for identification and shall constitute the offer of proof.
- 1208.6 The Presiding Member, in his or her discretion, may receive into evidence certified copies of documents in place of the originals.



- 1208.7 If a party is offering materials contained in a book or larger document, that party shall plainly designate the relevant portions. The remaining material contained in that book or document shall be excluded.
- 1208.8 No document or other writing shall be accepted for the record after the close of the hearing, except with the consent of the Presiding Member after due notice to the opposing parties and only when the receipt of the document will not unfairly affect the interest of a party.
- 1208.9 Witnesses may be examined or cross-examined by each member of the Board, or any party or the party's representative.
- 1208.11 The Presiding Member may admit hearsay evidence during an evidentiary hearing if the Presiding Member determines it will be relevant and material to the resolution of any factual issue in dispute in the matter before the Board.

## **1209 PRE-HEARING CONFERENCES AND DISCOVERY**

- 1209.1 Prior to any scheduled evidentiary hearing, the Presiding Member may require that the appellant and/or his or her attorney or representative appear for a pre-hearing conference with the Chief and/or the Chief's representative to consider the following:
- (a) Simplification of the issues;
  - (b) The necessity or desirability of amendments to the issues in dispute;
  - (c) The possibility of obtaining the admission of facts and documents which will avoid unnecessary proof;
  - (d) Limitation of the number of witnesses;
  - (e) Other matters which may aid in the disposition of the appeal; and
  - (f) Whether or not the use of any pre-hearing discovery is necessary to a fair adjudication of the appeal, what form the discovery may take, and any schedule for such discovery.
- 1209.2 The Presiding Member may issue a pre-hearing statement which recites the action taken at the conference, the amendments allowed to the issues in dispute, and the agreements made by the parties as to any of the matters considered which limit the issues for hearing to those issues not disposed of by admissions or agreements of counsel or parties.

1209.3 The Presiding Member may issue a pre-hearing order concerning the timing and manner of discovery and any pretrial motions or orders.

## **1210 SUMMARY DISPOSITION**

1210.1 The Board may resolve an appeal through a summary disposition when the Board determines that the resolution of the appeal does not include a dispute concerning a material fact.

1210.2 If the Board determines that an appeal may be appropriate for summary disposition, the Board shall send a notice to the applicant that:

- (a) Contains the materials submitted to the Board by the Chief;
- (b) Advises the appellant that he or she has ten (10) days from receipt of the notice to submit any written argument to the Board, and serve a copy on the Chief, concerning:
  - (1) The existence of any material fact in dispute that would require an evidentiary hearing; and
  - (2) The appellant's views on why the Chief's exercise of discretion in denying the appellant's application was arbitrary and capricious or was not supported by reliable, probative, and substantial evidence.

1210.2 Within ten (10) days after receipt of a written argument by the appellant, the Chief shall file with the Board, and serve a copy on the appellant, a written response on the issue of the presence of a dispute of material fact, and any rebuttal argument concerning the Chief's exercise of discretion.

1210.3 After receipt of the Chief's response, the Board may at its discretion conduct an informal hearing at which the parties may appear and present oral argument on issues identified by the Board.

1210.4 After receipt of the Chief's response and the conclusion of any informal hearing, the Board shall meet and determine whether or not there is a dispute of material fact and, if they so find, issue a notice of a contested case hearing. If the Board determines there is not a dispute of material fact, then the Board shall issue a decision to sustain the final action of the Chief, reverse the action of the Chief, or modify the decision of the Chief, and also include in the decision the basis for its decision to proceed by summary disposition.

## **1211 STAYS OF APPEALS**

1211.1 At any point in an appeal, if the Board determines that it is necessary or appropriate for resolution of the appellant's appeal, the Board may stay any action

on the appeal and submit any issue to the Chief or the appellant for the Chief or appellant's consideration, documentation, or explanation.

1211.2 The Chief or appellant ("responding party") shall have ten (10) days after receipt of any submission by the Board pursuant to § 1211.1 to file a response with the Board and serve a copy on the opposing party.

1211.3 Within (10) days after receipt of a response served by the responding party pursuant to § 1210.6 the opposing party shall file a response with the Board and serve a copy on the responding party.

1211.4 After review of the responses filed by the Chief and the appellant the Board shall lift its stay and proceed with consideration of the appeal.

**1211 [RESERVED]**

**1212 STIPULATIONS**

1212.1 Apart from stipulations reached during or as a result of the pre-hearing conference, the parties may stipulate in writing at any stage in the proceeding or orally during the hearing any relevant fact or the contents or authenticity of any document.

1212.2 Post-conference stipulations may be received as evidence.

1212.3 Parties may also stipulate the procedure to be followed in the proceeding and such stipulation may, on motion of all parties, be approved by the Presiding Member and govern the conduct of the proceeding.

**1213 CONTINUANCES**

1213.1 A hearing scheduled to be conducted before the Board shall not be delayed by a continuance unless a motion for the continuance is made not less than five (5) days before the scheduled hearing date.

1213.2 A continuance shall not be granted unless the motion for continuance, in the Board's opinion, sets forth good and sufficient cause for the continuance.

1213.3 Conflicting engagements of counsel or a party's representative, or absence of counsel or a party's representative, shall not be regarded as sufficient cause for continuance unless set forth in a motion filed promptly after notice of the hearing has been given. The employment of new counsel or a new representative shall not be regarded as sufficient cause for continuance unless a motion for continuance is filed promptly after the party becomes aware that the employment of the former counsel or representative will end.

**1214 NONAPPEARANCE OF PARTIES AND DEFAULTS**

1214.1 The Presiding Member may wait a reasonable length of time for a party to appear before beginning a proceeding. After a reasonable time, however, if a party who has received notice has not appeared, the Presiding Member may proceed as follows:

- (a) The Presiding Member may proceed with the hearing, obtain the testimony of those persons present, and, on the basis of the testimony and the record, the Board may issue a decision in the case;
- (b) The Presiding Member, for good cause, may postpone the hearing without taking testimony; or
- (c) In the case of the appellant failing to appear, the Presiding Member, with the concurrence of a majority of the members present, may dismiss the appeal and sustain the decision of the Chief.

**1215 ASSIGNMENT OF BOARD MEMBERS TO HEARING PANELS**

1215.1 Board members shall sit on hearing panels in such order and at such times as the Chairperson of the Board directs.

1215.2 In determining the composition of a hearing Panel, the Chairperson shall:

- (a) Comply with the requirements of Section 908(c) of the Act;
- (b) Assign the Board member designated by the Director of the Department of Behavioral Health, or the public member who qualifies as mental health professional, to any hearing panel at which an issue concerning the mental health of the appellant will be adjudicated; and
- (c) Make hearing assignments in a manner that equitably divides the workload among the Board members.

1215.3 In the sole discretion of the Chairperson, a hearing may be assigned to the full Board.

1215.4 Any decision of a hearing Panel shall be the final decision of the Board with no right of any party to request consideration by the full Board; provided, a party may request reconsideration, rehearing, or re-argument before the Panel pursuant to Section 1222.

**1216 INTERPRETERS**

1216.1 The Board shall ascertain before the hearing whether an interpreter will be required, pursuant to the notice issued pursuant to Subsection 1203.1, and shall make appropriate arrangements if an interpreter is required.

1216.2 An oath or affirmation shall be administered to the interpreter orally or in writing.

**1217 SPECIFIC RULES OF HEARING PROCEDURE**

1217.1 A party may cross-examine any other party or person, except that the Presiding Member may rule a question out of order when it is irrelevant, immaterial, or unduly repetitious.

1217.2 Witnesses shall be examined and cross-examined orally under oath or affirmation.

1217.3 The order of procedure at the hearing shall be as follows:

- (a) Call to order and opening comments by the Presiding Member;
- (b) Consideration of pending motions and procedural matters;
- (d) The appellant's case;
- (e) The Chief's case; and
- (g) Any rebuttal offered by the appellant.

1217.4 In an evidentiary hearing, no decision or order of the Board shall be made except upon the exclusive record of the proceedings before the Board.

**1218 BURDEN OF PROOF**

1218.1 In all cases before the Board the appellant has the burden of persuading the Board that the Chief's final action should be reversed or modified based on substantial evidence.

1218.2 The appellant has the burden of producing evidence that (1) the appellant met all the non-discretionary requirements of the Act, and (2) that having met all the non-discretionary requirements of the Act, the Chief's exercise of discretion was not supported by reliable, probative, and substantial evidence.

**1219 POST-HEARING PROCEDURES**

- 1219.1 The record shall be closed at the end of the hearing, except that the record may be kept open for a stated period for the receipt of specific exhibits, information, or legal briefs, as directed by the Chairperson or Presiding Member.
- 1219.2 Prior to issuing the final decision, the Board may, on its own motion, reopen the record and require further hearing or briefing on designated issues before the Board.
- 1219.3 Notice of a further hearing along with a designation of issues shall be forwarded to any party who participated in the earlier proceedings, or his or her legal representative. Notice shall be given at least fourteen (14) days prior to the date set for further hearing.

**1220 PROPOSED FINDINGS**

- 1220.1 The Board may request parties to submit proposed findings of fact and conclusions of law for the consideration of the Board within the time the Presiding Member may direct.
- 1220.2 Copies of proposed findings and conclusions shall be served by each party upon the opposing party.

**1221 FINAL DECISION**

- 1221.1 Within ninety (90) days after the conclusion of a hearing, the Board shall render its decision in writing, setting forth findings of fact and conclusions of law and giving the reasons for its decision.
- 1221.2 The findings and conclusions in the decision shall be governed by and based upon the evidence adduced at the hearing along with any other evidence in the record.
- 1221.4 A decision shall be supported by substantial evidence on the record. Pursuant to the substantial evidence rule, courts shall uphold an administrative determination of fact if on the entire record the determination is rationally supportable and could have been arrived at reasonably.
- 1221.5 The decision shall sustain, reverse, or modify the final action as requested by the appellant or the Chief.
- 1221.6 The decision shall include an instruction that the appellant or the Chief may pursue judicial review in the manner provided by the Act.

**1222 RECONSIDERATION**

- 1222.1 Any motion for reconsideration, rehearing, or re-argument of a final decision in a contested case proceeding shall be filed by a party within ten (10) days of the order having become final. The motion shall be served upon the opposing party. The Board shall not receive or consider any motion for reconsideration, rehearing, or re-argument of a final decision in a contested case proceeding that is filed prior to the order having become final.
- 1222.2 A motion for reconsideration, rehearing, or re-argument shall state specifically the respects in which the final decision is claimed to be erroneous, the grounds of the motion, and the relief sought.
- 1222.3 Within seven (7) days after a motion has been filed and served, an opposing party may file a response in opposition to or in support of the motion.
- 1222.4 Neither the filing nor the granting of the motion shall stay a decision unless the Board orders otherwise.
- 1222.5 A motion for reconsideration, rehearing, or re-argument shall not be a prerequisite to judicial review.

**1223 SUBPOENAS AND DEPOSITIONS**

- 1223.1 The Board may require by subpoena the attendance and testimony of witnesses and the production of documentary evidence.
- 1223.2 Each subpoena issued by the Board shall include the following:
- (a) The name of the respondent;
  - (b) The title of the action;
  - (c) A specification of the time allowed for compliance with the subpoena; and
  - (d)
    - (1) A command to the person to whom it is directed to attend and give testimony at a time and place specified in the subpoena; or
    - (2) A command to the person to whom it is directed to produce and permit inspection and copying of the books, papers, documents, or tangible things designated in the subpoena.
- 1223.3 Any party may, by a written motion, request the Board to subpoena particular persons or evidence.

- 1223.4 A request for subpoena shall state the relevancy, materiality, and scope of the testimony or documentary evidence sought, including, as to documentary evidence, the identification of all documents desired and the facts to be proven by them in sufficient detail to indicate materiality and relevance.
- 1223.5 Any person to whom a subpoena is directed may, prior to the time specified in the subpoena for compliance, request the Board to quash or modify the subpoena.
- 1223.6 Any application to quash a subpoena shall be accompanied by a brief statement of the reasons supporting the motion to quash.
- 1223.7 The Board may quash or modify the subpoena upon a showing of good cause.
- 1223.8 Upon written notice and for extraordinary circumstances, such as the need to preserve testimony or the need to obtain testimony from a non-resident witness or party, the Board may order testimony to be taken by deposition, before any person who is designated by the Board to administer oaths. Such deposition may be conducted by video conference or other electronic means approved by the Board.

#### **1224 SERVICE OF SUBPOENA OR NOTICE OF DEPOSITION**

- 1224.1 A subpoena or notice of deposition may be served by any person who is not a party and is not less than eighteen (18) years of age. Service of a subpoena or notice upon a person named therein shall be made by delivering a copy of the subpoena to the person and, if the person's attendance is commanded, by tendering to that person the fees for one (1) day's attendance and the mileage allowed by law. When the subpoena is issued on behalf of the United States or the District of Columbia or an officer or agency thereof, fees and mileage need not be tendered.
- 1224.2 Witnesses are entitled to a witness fee of forty dollars (\$40) per day and the cost of public transportation to the proceeding or a mileage fee calculated at seventeen cents (17¢) per mile.
- 1224.3 Service of a subpoena or notice of deposition, and fees, to an individual may be made by any of the following means:
- (a) Handing the subpoena or notice to the person;
  - (b) Leaving the subpoena or notice at the person's District government office with the person in charge of the office;
  - (c) Leaving the subpoena or notice at the person's dwelling place or usual place of abode with some person of suitable age and discretion then residing in that dwelling place or abode; or



- (d) Mailing the subpoena or notice by registered or certified mail to the person at the person's last known address.

1224.4 When the person to be served is not an individual, a copy of the subpoena or notice of the deposition and fees shall be delivered by one (1) of the following ways:

- (a) Handing the subpoena or notice to a registered agent for service;
- (b) Handing the subpoena or notice to any officer, director, or agent in charge of any office of that person; or
- (c) Mailing the subpoena or notice by registered or certified mail to the representative at his or her last known address.

1224.5 The individual serving a subpoena shall file with the Board a return of service setting forth the facts establishing proper service.

1224.6 The Board may, upon the failure by any person to obey a subpoena served upon that person, apply to the D.C. Superior Court for an order requiring the person to appear before the Board to give testimony, produce evidence, or both. If a person fails to obey the order without an adequate excuse, the Board may apply for an order that the person be held by the court for contempt.

## **1225 TRANSCRIPTS: CITATION AND COSTS**

1225.1 All proceedings, except for settlement conferences, shall be recorded. The recording is the official record of what occurred at the proceeding.

1225.2 Any party may obtain a copy of the recording of a hearing at the party's expense.

1225.3 Transcripts of the recording of the proceedings shall be prepared by a qualified reporter or transcriber who shall personally certify that he or she is not a party or counsel to a party or otherwise related to or employed by a party or counsel in the case; that he or she has no material interest in the outcome of the case; and that the transcript represents the testimony and proceedings of the case as recorded.

1225.4 In filings, a party may only rely upon a transcript prepared according to this section.

1225.5 Unless otherwise stipulated by the parties or ordered by Board, if a party cites to a portion of a transcript, the entire transcript of the case must be filed with the Board, and a copy must be served on the opposing party.

1225.6 In any case in which a party files a petition for review in the District of Columbia Court of Appeals, the Board will arrange for the preparation and filing of a

transcript without charge only if the Court of Appeals has permitted the petitioner to proceed *in forma pauperis*. In all other cases, the Board will arrange for preparation and filing of a transcript only after the Board receives payment for the cost of preparing the transcript.

## **1226 SUMMARY SUSPENSION HEARINGS**

- 1226.1 Any person subject to a summary suspension or summary limitation of a license issued pursuant to the Act shall have the right to request a hearing to the Board, in the manner described in § 1202.3, within seventy-two (72) hours after service of notice of the summary suspension or limitation of the license on the Board.
- 1226.2 The Board shall hold a hearing within seventy-two (72) hours after receipt of a timely request for hearing.
- 1226.3 The Board shall notify the Chief and the appellant of the date and location of the hearing as soon as practical.
- 1226.4 The Chief shall have the burden of production and the burden of persuasion for the summary suspension.
- 1226.5 A summary evidentiary hearing shall be conducted in a manner that provides opportunity to the licensee to challenge the basis of the Chief's suspension action through the presentation of documentary evidence and testimony, as well as the ability to examine and cross-examine any witness.
- 1226.6 If the Board sustains the suspension, it shall issue a written decision setting forth its findings of facts and conclusions of law. The decision to sustain the suspension shall expire within thirty (30) days after the decision is issued unless the Chief has served the licensee a notice of intent to revoke pursuant to Section 905 of the Act. If the Chief has served the licensee a notice of intent to revoke pursuant to Section 905 of the Act, the summary suspension shall remain in effect until the Chief revokes the permit or, if a timely request for an appeal of the notice of revocation has been filed with the Board, the conclusion of the notice of revocation appeal.
- 1226.7 Any decision of the Board to sustain a suspension shall be a temporary decision and not a final action. There is no right of appeal from a decision of the Board to sustain a summary suspension action. An appeal must follow a final decision of the Board to sustain a revocation of the license that was the subject of the summary suspension and the appeal must be based on the facts and conclusions that formed the basis of the final decision.

## **1299 DEFINITIONS**

- 1299.1 For the purposes of this chapter, the term:

“**Act**” – means Title IX of the Firearms Regulations Control Act of 1975, effective January 6, 2015 (D.C. Act 20-564; 62 DCR 866 (January 23, 2015)) and any substantially similar emergency, temporary, or permanent versions of this legislation.

“**Board**” – means the Concealed Pistol Licensing Review Board created by the Act, or any hearing panel authorized to conduct hearings and render final decisions by the Act.

“**Chairperson**” – means the Chairperson of the Board.

“**Chief**” – means the Chief of the Metropolitan Police Department or his or her designee.

“**Panel**” – means a hearing panel authorized by the Act and comprised of three (3) members of the Board designated to review an appeal, conduct any evidentiary hearing, and render any temporary or final decision on the appeal.

“**Presiding Member**” – means the Board member presiding over a Panel, or the Chairperson when an appeal is assigned to the full Board.

All persons interested in commenting on this proposed rulemaking action may submit comments in writing to Stephanie Maltz, Administrator, Concealed Pistol Licensing Review Board Regulations, Office of the City Administrator, 1350 Pennsylvania Avenue, NW, Suite 513, Washington, DC 20004, or via e-mail at [CPLRB.regulations@dc.gov](mailto:CPLRB.regulations@dc.gov). Comments must be received no later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above. Copies of this proposal may be obtained, at cost, by writing to the above address.

## DEPARTMENT OF HEALTH CARE FINANCE

**NOTICE OF SECOND EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia (District) to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes approved December 27, 1967 (81 Stat.774; D.C. Official Code § 1-307.02 (2014 Repl.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption, on an emergency basis, of an amendment to Section 938 (Increased Reimbursement for Eligible Primary Care Services) of Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

This second emergency and proposed rule continues to extend authorization for increased Medicaid reimbursement rates for specific primary care services, such as evaluation and management (E&M) services and immunization administration provided by certain Medicaid providers enrolled in the fee-for-service (FFS) program. The Health Care and Education Reconciliation Act of 2010, approved January 5, 2010 (Pub.L. 111-152, 124 Stat. 1029)(codified as amended in scattered sections of 42 U.S.C.), required the Medicaid program to increase Medicaid reimbursement for specific primary care services furnished by certain physicians in calendar years 2013 and 2014. Primary care services such as E&M services and immunization administration services are a core part of a state's Medicaid benefit package. E&M services play an important role in the coordination of care of patients with chronic disease by establishing a regular source of care or "medical home." Immunization administration services include the administration of vaccines and toxoids. The administration of vaccines and toxoids serve to reduce and eliminate the incidence of vaccine-preventable diseases affecting District residents. Accordingly, DHCF is extending increased Medicaid reimbursement for specific primary care services furnished by certain physicians through Fiscal Year 2015. DHCF projects an increase of \$2.9 million in federal expenditures for this nine month extension in Fiscal Year 2015.

Emergency action continues to be necessary for the immediate preservation of the health, safety and welfare of persons receiving primary care services. This second emergency and proposed rulemaking will ensure continued access to quality primary care services for District residents receiving evaluation and management (E&M) services, furnished by physicians and other qualified non-physician providers.

The corresponding State Plan Amendment (SPA) to the District of Columbia State Plan for Medical Assistance (State Plan) was approved by the Council of the District of Columbia (Council) and is presently awaiting approval by the U.S. Department of Health and Human Services (HHS), Centers for Medicare and Medicaid Services (CMS). These rules are contingent upon approval of the corresponding SPA by CMS, which sets an effective date January 1, 2015. If the corresponding SPA is approved, DHCF will publish a notice setting forth the effective date.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on December 26, 2014 at 61 DCR 013203. No comments were received and no substantive changes have been made. This Notice of Second Emergency and Proposed Rulemaking was adopted on April 23, 2015 and became effective on that date. The emergency rules shall remain in effect for one hundred and twenty (120) days, until August 21, 2015, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Director also gives notice of the intent to adopt this proposed rule not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

**Section 938 of Chapter 9, MEDICAID PROGRAM, of Title 29 DCMR, PUBLIC WELFARE, is amended to read as follows:**

**938 INCREASED REIMBURSEMENT FOR ELIGIBLE PRIMARY CARE SERVICES**

- 938.1 Except as provided in Subsection 938.2, primary care services eligible for increased reimbursement under the Healthcare Common Procedure Coding System (HCPCS) shall include evaluation and management (E&M) services billed under codes 99201 through 99499; and Current Procedural Terminology (CPT) vaccine administration codes 90460, 90461, 90471, 90472, 90473, and 90474, or their successor codes. DHCF shall publish a list of all eligible codes on its provider website at [www.dc-medicaid.com](http://www.dc-medicaid.com).
- 938.2 Services billed under codes that were not reimbursable under the DHCF fee schedule as of January 1, 2013 shall be ineligible for reimbursement. DHCF shall publish a list of ineligible codes on its provider website at [www.dc-medicaid.com](http://www.dc-medicaid.com).
- 938.3 An eligible primary care physician shall receive increased reimbursement for eligible primary care services, provided the following requirements are met:
- (a) A physician provides a written self-attestation that the physician has a specialty designation of family medicine, general internal medicine, or pediatric medicine; and
  - (b) A primary care physician provides a written self-attestation of the following:
    - (1) That he or she has Board-certification in family medicine, general internal medicine, pediatric medicine, or in a subspecialty of family medicine; general internal medicine or pediatric medicine as designated by the American Board of Medical Specialties (ABMS); the American Board of Physician Specialties (ABPS); or the American Osteopathic Association (AOA); or
    - (2) He or she has provided E&M and vaccine administration services under the codes described in Subsection 938.1 that equal at least

sixty percent (60%) of all the Medicaid services that the physician bills during either of the following:

- (i) The most recently completed calendar year; or
- (ii) The month prior to the month that DHCF receives the self-attestation form referenced in Subsections 938.4 through 938.9, for a physician enrolled in Medicaid for less than a full calendar year.

938.4 An Advanced Practice Registered Nurse (APRN) shall receive increased reimbursement for eligible primary care services billed pursuant to the FPS fee schedule, provided the APRN provides eligible primary care services under the direct supervision of a physician who:

- (a) Meets the eligibility requirements of Subsection 938.3;
- (b) Assumes professional responsibility for the services provided by the APRN; and
- (c) Has submitted a self-attestation form, as described in Subsections 938.3 through 938.9, which identifies the APRN as a practitioner under the physician's direct supervision.

938.5 To receive reimbursement under this rule from January 1, 2013 through September 30, 2015, an eligible physician shall provide DHCF with a self-attestation that the physician meets the requirements of Subsection 938.3 using a form prescribed by DHCF.

938.6 Except as provided in Subsection 938.7, reimbursement under this rule shall commence from the date that DHCF receives the self-attestation form from an eligible provider, as described in Subsections 938.3 through 938.9.

938.7 Reimbursement for eligible services provided on or after January 1, 2015, shall be made in accordance with the corresponding State Plan Amendment as approved by the Centers for Medicare and Medicaid Services (CMS), provided an eligible physician who is participating in Medicaid on the effective date of these rules shall submit the self-attestation form, as described by Subsections 938.3 through 938.6, to DHCF no later than July 1, 2015.

938.8 An eligible physician, who has submitted a self-attestation form as required by Subsection 938.3, is obligated to inform DHCF in writing of any changes that alter the physician's eligibility for reimbursement under this rule.

938.9 An APRN who provides eligible primary care services under the direct supervision of an eligible physician shall be exempt from the self-attestation

form requirement.

- 938.10 For eligible primary care services rendered by an eligible physician, FPS Medicaid reimbursement shall be made at the lower of the physician's billed charges or the applicable reimbursement rate, as defined in Subsection 938.13.
- 938.11 For eligible primary care services rendered by an APRN, FFS Medicaid reimbursement shall be made in accordance with the approved State Plan using the applicable rate, as defined in Subsection 938.13.
- 938.12 Reimbursement rates established pursuant to this section apply to eligible primary care services billed as fee-for-service that are furnished on and after the effective date of the corresponding State Plan Amendment as approved by CMS and ending on September 30, 2015.
- 938.13 The applicable rates for eligible primary care services shall be as follows:
- (a) For eligible E&M services:
- (1) The applicable rate for services furnished for the period beginning with the effective date of the corresponding State Plan Amendment as approved by the Centers for Medicare and Medicaid Services (CMS) through December 31, 2013 shall be the higher of the Medicare Part B fee schedule rate that is applicable to the non-- facility site of service in effect on January 1, 2013 or the rate that would be derived using the CY 2009 conversion factor and the CY 2013 Medicare relative value units (RVUs);
  - (2) The applicable rate for services furnished for the period beginning January 1, 2014 through December 31, 2014 shall be the higher of the Medicare Part B fee schedule rate that is applicable to the Medicare Part B fee schedule rate that is applicable to the non-facility site of service in effect on January 1, 2014 or the rate that would be derived using the CY 2009 conversion factor and the CY 2014 Medicare relative value units (RVUs); and
  - (3) The applicable rate for services furnished for the period beginning January 1, 2015 through September 30, 2015 shall be the higher of the Medicare Part B fee schedule rate that is applicable to the non-facility site of service in effect on January 1, 2015 or the rate that would be derived using the CY 2009 conversation factor and the CY 2015 Medicare relative value units (RVUs).

- (b) For eligible vaccine administration services:
- (1) The applicable rate for services furnished for the period beginning with the effective date of the corresponding State Plan Amendment as approved by the Centers for Medicare and Medicaid Services (CMS) through December 31, 2013 shall be the Regional Maximum Administration Fee in effect in CY 2013; and
  - (2) The applicable rate for services furnished for the period beginning January 1, 2014 through December 31, 2014 shall be the Regional Maximum Administration Fee in effect in CY 2014; and
  - (3) The applicable rate for services furnished for the period beginning January 1, 2015 through September 30, 2015 shall be the Regional Maximum Administration Fee in effect in CY 2015.
- (c) DHCF shall publish the applicable rates for eligible primary care services each calendar year on its provider website at [www.dc-medicaid.com/](http://www.dc-medicaid.com/).

- 938.14 The eligibility of each physician or APRN shall be subject to verification that the physician or APRN has complied with the requirements set forth in this rule.
- 938.15 Any administrative action with respect to an eligible physician or APRN found in violation of the rule, shall comply with the requirements set forth in Chapter 13 of Title 29 DCMR.

Comments on the emergency and proposed rule shall be submitted, in writing, to Claudia Schlosberg, J.D., Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 441 4th Street, NW, Suite 900S, Washington, D.C. 20001, via telephone on (202) 442-8742, via email at [DHCFPublicComments@dc.gov](mailto:DHCFPublicComments@dc.gov), or online at [www.dcregs.dc.gov](http://www.dcregs.dc.gov), within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the proposed rule may be obtained from the above address.



GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-117  
April 17, 2015

**SUBJECT:** Delegation of Authority to the Deputy Mayor for Planning and Economic Development to Make Certifications Pursuant to the Redevelopment of the Center Leg Freeway (Interstate 395) Act of 2010

**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, Pub. L. 93-198; 87 Stat. 790, D.C. Official Code, §§ 1-204.22(1) and (6) (2014 Repl.), it is hereby **ORDERED** that:

1. The Deputy Mayor for Planning and Economic Development is delegated the authority vested in the Mayor to certify the adjusted purchase price of the real property within the Center Leg Freeway (Interstate 395) PILOT Area for the purposes of the Redevelopment of the Center Leg Freeway (Interstate 395) Act of 2010, effective October 26, 2010, D.C. Law 18-257, D.C. Official Code § 47-4640 (2012 Repl.).
2. The authority delegated by the Mayor to the Deputy Mayor for Planning and Economic Development herein may be further delegated to subordinates under the personnel authority of the Deputy Mayor for Planning and Economic Development.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
MURIEL E. BOWSER  
MAYOR

ATTEST:

  
LAUREN C. VAUGHAN  
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-118  
April 29, 2015

**SUBJECT:** Appointment – Acting Chief Administrative Law Judge for the Office of Administrative Hearings

**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, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), and pursuant to section 7(b)(1) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002, D.C. Law 14-76, D.C. Official Code § 2-1831.04(b)(1) (2012 Repl.), it is hereby **ORDERED** that:

1. **EUGENE A. ADAMS** is appointed as Acting Chief Administrative Law Judge of the Office of Administrative Hearings, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2014-119, dated May 22, 2014.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to April 6, 2015.

  
\_\_\_\_\_  
MURIEL E. BOWSER  
MAYOR

ATTEST:

  
\_\_\_\_\_  
LAUREN C. VAUGHAN  
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-119  
April 29, 2015

**SUBJECT:** Appointment – Deputy Mayor for Public Safety and Justice

**ORIGINATING AGENCY:** Office of the Mayor

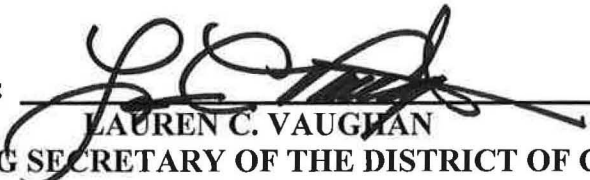
By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), and in accordance with section 3022 of the Office of Deputy Mayor for Public Safety and Justice Establishment Act of 2011, effective September 14, 2011, D.C. Law19-21, D.C. Official Code § 1-301.191 (2014 Repl.), and pursuant to the Deputy Mayor for Public Safety and Justice Kevin Donahue Confirmation Resolution of 2015, effective April 14, 2015, Res. 21-0074, it is hereby **ORDERED** that:

1. **KEVIN DONAHUE** is appointed Deputy Mayor for Public Safety and Justice, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2011-5, dated January 2, 2011.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to April 14, 2015.




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MURIEL E. BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADMINISTRATIVE ISSUANCE SYSTEM

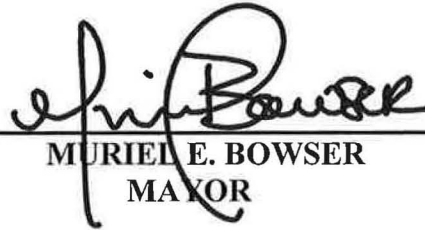
Mayor's Order 2015-120  
April 29, 2015

**SUBJECT:** Appointment – Director, Department of Youth Rehabilitation Services

**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) (2014 Repl.), and in accordance with section 102(b) of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005, D.C. Law 15-335, D.C. Official Code § 2-1515.02(b) (2012 Repl.), and pursuant to the Director of the Department of Youth Rehabilitation Services Clinton Lacey Confirmation Resolution of 2015, effective April 14, 2015, Res. 21-0073, it is hereby **ORDERED** that:

1. **CLINTON LACEY** is appointed Director, Department of Youth Rehabilitation Services and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2015-095, dated March 20, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to April 14, 2015.



MURIEL E. BOWSER  
MAYOR

ATTEST:



LAUREN C. VAUGHAN

ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

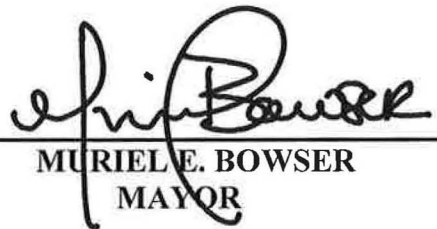
Mayor's Order 2015-121  
April 29, 2015

**SUBJECT:** Appointment – Director, Office of Motion Picture and Television Development

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat.790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), and pursuant to the Director of the Office of Motion Picture and Television Development Angie Gates Confirmation Resolution of 2015, effective April 14, 2015, Res. 21-0067, it is hereby **ORDERED** that:

1. **ANGIE GATES** is appointed Director, Office of Motion Picture and Television Development and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2015-021, dated January 8, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to April 14, 2015.



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MURIEL E. BOWSER  
MAYOR

ATTEST:



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LAUREN C. VAUGHAN  
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS  
CALENDAR

WEDNESDAY, MAY 6, 2015  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S  
WASHINGTON, D.C. 20009

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

**Show Cause Hearing (Status) 9:30 AM**  
**Case # 14-CMP-00785;** CSBT, Inc., t/a Town House Tavern Restaurant, 1637  
R Street NW, License #24682, Retailer CR, ANC 2B  
**No ABC Manager on Duty**

**Show Cause Hearing (Status) 9:30 AM**  
**Case # 14-CMP-00594;** Goodlife 1207, LLC, t/a Irish Whiskey, 1207 19th  
Street NW, License #87685, Retailer CT, ANC 2B  
**Failed to Take Steps Necessary to Ensure Property is Free of Litter**

**Show Cause Hearing (Status) 9:30 AM**  
**Case # 14-AUD-00105;** Tekleab H Habtu, t/a Kokeb Ethiopian Restaurant  
3013 Georgia Ave NW, License #89933, Retailer CR, ANC 1A  
**Failed to Maintain Books and Records (Two Counts)**

**Show Cause Hearing (Status) 9:30 AM**  
**Case # 15-CC-00004;** Eun Corporation, t/a West End Market, 2424,  
Pennsylvania Ave NW, License #90448, Retailer A, ANC 2A  
**Sale to Minor Violation (Twenty Two Counts), Failed to Take Steps  
Necessary to Ascertain Legal Drinking Age (Six Counts), Allowed the  
Establishment to be Used for an Unlawful or Disorderly Purpose**

**Show Cause Hearing (Status) 9:30 AM**  
**Case # 15-AUD-00013;** Big Cheese, LLC, t/a Comet Pizza, 5037 Connecticut  
Ave NW, License #74897, Retailer CR, ANC 3F  
**Failed to File Quarterly Statements (3rd Quarter 2014)**

Board's Calendar

May 6, 2015

**Show Cause Hearing (Status) 9:30 AM**

**Case # 14-CC-00162;** K & Y Beer, Wine and Groceries, LLC, t/a Benning Heights Market, 547 42nd Street NE, License #87328, Retailer A, ANC 7D  
**Sale to Minor Violation, No ABC Manager on Duty**

**Show Cause Hearing (Status) 9:30 AM**

**Case # 14-CMP-00739;** Kwang & Hyun O. Kim, t/a D & B Deli Carryout 3412 Georgia Ave NW, License #26649, Retailer B, ANC 1A  
**Sold Go-Cups**

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

Temporary License Application  
Event: Washington Area Bicyclist Association (WABA)  
Dates of Event: May 29-30, 2015  
Applicant: Michelle K. Cleveland  
Neighborhood: Yards Park, 355 Water Street SE  
7,000 attendees

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

**Case # 15-CMP-00017;** Taj Mahal Enterprises, LTD, t/a The Manor, 1327 Connecticut Ave NW, License #882, Retailer CR, ANC 2B  
**Transfer of the License without Board Approval, Failed to Post Window Lettering**

**Fact Finding Hearing\* 10:00 AM**

**Case # 14-CMP-00710 and 14-CMP-00709;** K&D, LLC, t/a Cork, 1740 14th Street NW, License #77111, Retailer CR, ANC 2F  
**Ownership Interest Issues**

**Show Cause Hearing\* 11:00 AM**

**Case # 14-CMP-00700;** 1606 K, LLC, t/a Fuel Pizza & Wings, 1606 K Street NW, License #88452, Retailer CR, ANC 2B  
**Failed to Take Steps Necessary to Ensure that Cooking Grease is Properly Disposed**

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

**Fact Finding Hearing\* 1:30 PM**

**Case # 15-CMP-00005;** Big Chair Café, LLC, t/a Big Chair Coffee & Grill 2122 Martin Luther King, Jr. Ave SE, License #85903, Retailer CR, ANC 8A  
**Purchased Alcohol from an Off-Premise Retailer, Failed to Maintain Books and Records, Failed to Have Warning Signs Posted**

Board's Calendar

May 6, 2015

**Protest Hearing\***

**2:30 PM**

**Case # 14-PRO-00075; Aki & Muller Corporation, t/a Wheeler Market, 4133**

**Wheeler Road SE, License #88835, Retailer B, ANC 8E**

**Application to Renew the License**

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



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
LICENSING AGENDA

WEDNESDAY, MAY 6, 2015 AT 1:00 PM  
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Request to Extend Safekeeping Status of License – First Request. ANC 2B. SMD 2B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **To Be Determined (Halifax 21 LLC)**, 2032 P Street NW, Retailer CR, License No. 096045.

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2. Review Request to Extend Safekeeping Status of License – Fifth Request. ANC 1C. SMD 1C03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Todito Grocery**, 1813 Columbia Road NW, Retailer B, License No. 060011.

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3. Review Request for Change of Hours. **Approved Hours of Operation:** Sunday-Thursday 7am to 12am, Friday-Saturday 7am to 2am. **Approved Hours of Alcoholic Beverage Sales and Consumption:** Sunday-Thursday 8am to 12am, Friday-Saturday 8am to 2am. **Proposed Hours of Operation:** Sunday-Saturday 7am to 2am. **Proposed Hours of Alcoholic Beverage Sales and Consumption:** Sunday-Saturday 8am to 2am. ANC 2B. SMD 2B09. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Tico**, 1926 14<sup>th</sup> Street NW, Retailer CR, License No. 093610.

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4. Review Request for Change of Hours. **Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday-Saturday 11:30am to 11:30pm. **Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday-Wednesday 11:30am to 11:30pm, Thursday-Saturday 11:30am to 1:30am. ANC 2C. SMD 2C01. Outstanding fines/citations: 2/1/2014, Case #14-CMP-00209, Quarterly Statement, Citation #8074, \$500 fine. No Settlement Agreement. **Red Line**, 707 G Street NW, Retailer CR, License No. 085225.

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5. Review Request for Change of Hours. **Approved Hours of Operation:** Sunday-Saturday 7:30am to 10pm. **Approved Hours of Alcoholic Beverage Sales and Consumption:** Sunday-Saturday 9am to 10pm. **Proposed Hours of Operation:** Sunday-Saturday 6am to 12am. **Proposed Hours**

*of Alcoholic Beverage Sales and Consumption:* Sunday-Saturday 9am to 12am. ANC 1B. SMD 1B01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Ledroit Market**, 1901 4<sup>th</sup> Street NW, Retailer B, License No. 097721.

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6. Review Request for Change of Hours. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:* Sunday- Saturday 12pm to 10pm. *Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption:* Sunday-Thursday 10am to 10pm, Friday-Saturday 10am to 11pm. ANC 2E. SMD 2E03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Yummi Crawfish**, 1529 Wisconsin Avenue NW, Retailer CR, License No. 096169.
- 

7. Review Request for Change of Hours. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:* Sunday 10am to 2am, Monday-Thursday 5pm to 2am, Friday 5pm to 3am, Saturday 10am to 3am. *Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption:* Sunday 10am to 2am, Monday-Thursday 11am to 2am, Friday 11am to 3am, Saturday 10am to 3am. ANC 1B. SMD 1B01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **All Souls**, 725 T Street NW, Retailer CT, License No. 088179.
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8. Review Application for Sidewalk Café Endorsement. ANC 3G. SMD 3G06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Bread & Chocolate**, 5542 Connecticut Avenue NW, Retailer CR, License No. 007792.
- 

9. Review Application for Manager's License. **Lee C. Carrell**-ABRA 098738.
- 

**\*In accordance with D.C. Official Code §2-574(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

**APPLETREE EARLY LEARNING PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Chief Academic Officer**

AppleTree Early Learning PCS seeks a firm to recruit, screen and recommend highly qualified candidates for a new senior position at the school, that of Chief Academic Officer. Please contact Rita Hackel Chapin, Chief Operating Officer, for details on the RFP. The deadline for responding to the RFP is May 7, 2015 at 5pm. Contact - Rita Hackel Chapin, Chief Operating Officer, 415 Michigan Avenue NE, Washington, DC 20017, (202) 488-3990, Rita.Chapin@appletreeinstitute.org

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION  
NOTICE OF FUNDING AVAILABILITY

Fiscal Year 2015 DC Physical Education & Health Education Grant

Announcement Date: **May 1, 2015**

Request for Application Release Date: **May 15, 2015**

Pre-Application Question Period Ends: **June 12, 2015**

Application Submission Deadline: **June 26, 2015**

The Office of the State Superintendent of Education (OSSE), Wellness and Nutrition Services is soliciting grant applications for the District of Columbia Physical Education and Health Education (PEHE) grant. **The purpose of this grant is to increase the capacity of District of Columbia public elementary schools and public charter elementary schools to provide 150 minutes of weekly physical education and 75 minutes of weekly health education (as required by the Healthy Schools Act) to all K-5 students during school years 2015-2016 and 2016-2017.**

**Eligibility:** OSSE will accept applications from D.C. public elementary schools and public charter elementary schools participating in the Healthy Schools Act. Schools must have completed their 2014-2015 Healthy Schools Act School Health Profile to be eligible for the DC PEHE grant. DCPS schools must submit applications through the DCPS Central Office.

**Length of Award:** The grant period is two (2) years beginning on August 15, 2015 and ending on August 14, 2017

**Available Funding for Award:** The total funding available for this award period is \$1,000,000. Eligible elementary schools may apply for an award amount of up to \$100,000 per school.

**Anticipated Number of Awards:** OSSE has funding available for ten (10) awards.

The RFA will be available on May 15, 2015 at <https://osse.mtwgms.org/wdcossegmweb/logon.aspx>. For additional information regarding this grant competition, please contact:

Katie Lantuh  
Physical Education & Physical Activity Specialist  
Office of the State Superintendent of Education  
202.481.3401  
[kathryn.lantuh@dc.gov](mailto:kathryn.lantuh@dc.gov)

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

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

**VACANT: 5A04 and 7F07**

Petition Circulation Period: **Monday, May 4, 2015 thru Tuesday, May 26, 2015**

Petition Challenge Period: **Friday, May 29, 2015 thru Thursday, June 4, 2015**

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

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

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

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2015

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue Permit #6983 to the Department of the Navy, Naval Research Laboratory to operate one Cummins 100 kW diesel-fired emergency generator set with a 250 bhp diesel-fired engine, shown below, to be located at Building 53 at the Naval Research Laboratory. The contact person for the facility is David Smith at (202) 404-2227.

Emergency Generator to be Permitted

<b>Equipment Location Address</b>	<b>Generator (Engine) Size</b>	<b>Engine Model Number</b>	<b>Permit No.</b>
Building 53, 4555 Overlook Avenue, SW Washington, DC 20375-5320	100 kWe (250 bhp)	QSB7-G3 NR3	6983

The proposed emission limits are as follows:

- a. Emissions from this unit shall not exceed those in the following table as measured according to the procedures set forth in 40 CFR 89, Subpart E. [40 CFR 60.4205(b), 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a)]:

<b>Pollutant Emission Limits (g/kW-hr)</b>		
NMHC+NO <sub>x</sub>	CO	PM
4.0	3.5	0.20

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- c. In addition to Condition (b), exhaust opacity, measured and calculated as set forth in 40 CFR 86, Subpart I, shall not exceed [40 CFR 60.4205(b), 40 CFR 60.4202(a), and 40 CFR 89.113]:
  - 1. 20 percent during the acceleration mode;
  - 2. 15 percent during the lugging mode;

3. 40 percent during the peaks in either the acceleration or lugging modes. *Note that this condition is streamlined with the requirements of 20 DCMR 606.1.*
- d. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated annual emissions from the generator engine (assuming 500 hours per year of operation) are as follows:

<b>Pollutant</b>	<b>Maximum Annual Emissions (tons/yr)</b>
Carbon Monoxide (CO)	0.10
Oxides of Nitrogen (NO <sub>x</sub> )	0.41
Total Particulate Matter , PM (Total)	0.01
Volatile Organic Compounds (VOCs)	0.16
Sulfur Dioxide (SO <sub>x</sub> )	0.13

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

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

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

Stephen S. Ours  
 Chief, Permitting Branch  
 Air Quality Division  
 District Department of the Environment  
 1200 First Street NE, 5<sup>th</sup> Floor  
 Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments or hearing requests postmarked after June 1, 2015 will be accepted.**

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

**DISTRICT DEPARTMENT OF THE ENVIRONMENT****NOTICE OF FILING OF AN APPLICATION  
TO PERFORM VOLUNTARY CLEANUP****2626 Naylor Road, SE  
Skyland Town Center**

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, is informing the public that it has received an application to participate in the Voluntary Cleanup Program (VCP). The applicant for real property located at 2626 Naylor Road, SE, Washington, DC 20009, also known as Skyland Town Center, is Skyland Holdings LLC, 8405 Greensboro Drive, 8<sup>th</sup> Floor, McLean, Virginia, 22102. The application identifies the presence of metals and petroleum compounds in soil and groundwater. The applicant intends to re-develop the property into a mixed-use residential/retail complex.

Pursuant to § 636.01(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-7B) 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 1<sup>st</sup> Street, N.E., 5<sup>th</sup> 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 2015-033 in any correspondence related to this application.



**DEPARTMENT OF HEALTH  
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

**NOTICE OF MEETING**

Board of Medicine  
April 29, 2015

On APRIL 29, 2015 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

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

The meeting will be open to the public from 10:30 am to 11:30 am to discuss various agenda items and any comments and/or concerns from the public. After which the Board will reconvene in closed session to continue its deliberations until 2:00 pm.

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

Meeting times and/or locations are subject to change – please visit the Board of Medicine website [www.doh.dc.gov/bomed](http://www.doh.dc.gov/bomed) and select BoMed Calendars and Agendas to view the agenda and any changes that may have occurred.

Executive Director for the Board – Jacqueline A. Watson, DO, MBA.

**DEPARTMENT OF HEALTH****PUBLIC NOTICE**

The District of Columbia Board of Social Work (“Board”) hereby gives notice of a change of its regular meeting, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, D.C. Official Code § 3-1204.05 (b)) (2012 Repl.).

Due to the observance of Memorial Day, the Board’s regular meeting scheduled for Monday, May 27, 2015, is being rescheduled to Monday, May 18, 2015. The meeting will be open to the public from 9:30 AM until 11:00 AM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Act of 2010, D.C. Official Code § 2-574(b), the meeting will be closed from 11:00 AM to 2:00 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health’s Events webpage at [www.doh.dc.gov/events](http://www.doh.dc.gov/events) to view the agenda.

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

April 27, 2015  
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 March 24, 2015 board meeting.
- III. Update – Agency’s compliance with the DC Department of Small and Local Business Development.
- IV. Vote to close meeting to discuss the approval of the Archer Park 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 Archer Park 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)).

- V. Re-open meeting.
- VI. Consideration of DCHFA Eligibility Resolution No. 2015-08 for Archer Park.
- VII. Interim Executive Director’s Report.
- VIII. Other Business.
- IX. Adjournment.

**INSPIRED TEACHING PUBLIC CHARTER SCHOOL**  
**REQUEST FOR PROPOSALS**  
**General Contracting Services**

Inspired Teaching Public Charter School is soliciting proposals from qualified general contracting firms for the construction of a pedestrian bridge and associated work. The RFP may be obtained by contacting Carrie Rollman via email at [crollman@programmanagers.com](mailto:crollman@programmanagers.com). Proposals should be sent to [crollman@programmanagers.com](mailto:crollman@programmanagers.com) no later than 5:00pm on May 15, 2015.

**KIPP DC PUBLIC CHARTER SCHOOLS****REQUEST FOR PROPOSALS****Waste Removal Services**

KIPP DC is soliciting proposals from qualified vendors for waste removal services. The RFP can be found on KIPP DC's website at <http://www.kippdc.org/procurement>. Proposals should be uploaded to the website no later than 5:00 P.M., EST, on May 15, 2015. Questions can be addressed to [jsalsbury@pmmcompanies.com](mailto:jsalsbury@pmmcompanies.com) and [procurement@kippdc.org](mailto:procurement@kippdc.org).

**Moving Services**

KIPP DC is soliciting proposals from qualified vendors for moving services. The RFP can be found on KIPP DC's website at <http://www.kippdc.org/procurement>. Proposals should be uploaded to the website no later than 5:00 P.M., EST, on May 15, 2015. Questions can be addressed to [lorraine.ramos@kippdc.org](mailto:lorraine.ramos@kippdc.org) and [procurement@kippdc.org](mailto:procurement@kippdc.org).

**Furniture**

KIPP DC is soliciting proposals from qualified vendors for the purchase of classroom and office furniture. The RFP can be found on KIPP DC's website at <http://www.kippdc.org/procurement>. Proposals should be uploaded to the website no later than 5:00 P.M., EST, on May 8, 2015. Questions can be addressed to [michael.cordell@kippdc.org](mailto:michael.cordell@kippdc.org) and [procurement@kippdc.org](mailto:procurement@kippdc.org).

**Audio Visual Equipment**

KIPP DC is soliciting proposals from qualified vendors for the purchase of audio visual equipment. The RFP can be found on KIPP DC's website at <http://www.kippdc.org/procurement>. Proposals should be uploaded to the website no later than 5:00 P.M., EST, on May 8, 2015. Questions can be addressed to [adam.roberts@kippdc.org](mailto:adam.roberts@kippdc.org) and [procurement@kippdc.org](mailto:procurement@kippdc.org).

**NOTICE OF INTENT TO ENTER SOLE SOURCE CONTRACTS****Instructional Software Licenses**

KIPP DC intends to enter into sole source contracts with MIND Research Institute, Renaissance Learning, Lexia, Torsh, Curriculum Associates, and Waterford Institute for instructional technology licenses. The cost of these contracts will be approximately \$74,490, \$45,440, \$44,790, \$36,180, \$29,640, and \$29,160 respectively. The decision to sole source is due to the fact that these vendors are the exclusive providers of these licenses.

**MAYA ANGELOU PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Custodial Services**

Maya Angelou Public Charter School in Northeast DC will receive bids until May 29, 2015 for the provision of custodial services. A contract will be awarded for the period from July 2015 to June 2016. All necessary information may be obtained from Justin Samples at Maya Angelou Public Charter School at 5600 E. Capitol Street, NE Washington, DC 20019- 202.379.4335. E-mail: [JSamples@seeforever.org](mailto:JSamples@seeforever.org).

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

**NOTICE OF PROPOSED TARIFF****FORMAL CASE NO. 1085, IN THE MATTER OF THE INVESTIGATION OF A PURCHASE OF RECEIVABLES PROGRAM IN THE DISTRICT OF COLUMBIA**

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Sections 34-802 and 2-505 of the District of Columbia Official Code,<sup>1</sup> and pursuant to Order No. 17052 directing the Potomac Electric Power Company (Pepco or the Company) to implement a Purchase of Receivables (POR) program in the District of Columbia,<sup>2</sup> of our intent to act upon Pepco's tariff filing proposing to implement the POR Supplier Discount Rate.<sup>3</sup> The Commission shall act upon Pepco's Application in not less than 30 days from the date of publication of this Notice of Proposed Tariff (NOPT) in the *D.C. Register*.

2. In its Application, Pepco states its intent to modify and provide additional language to the Company's Electric Supplier Coordination Tariff. The tariff filing provides updated language of the Supplier Tariff Schedule 3, which describes in detail the components and derivation of the POR Supplier Discount Rates, including the proposed Discount Factors (Attachment A).<sup>4</sup> Specifically, Pepco proposes to revise the current tariff pages:

**Electricity Supplier Coordination Tariff, P.S.C. of D.C. No.1  
Third Revised Page No. i  
Third Revised Page No. ii  
Third Revised Page No. iii  
Third Revised Page No. iv  
Original Page No. 41  
and Original Page No. 42**

3. Pepco states that the Discount Rate calculations for Residential R, Residential R-TM, Small Commercial and Large Commercial customers for the period October 2013 through December 2014 result in negative discounts. Pepco explains that this is primarily due to the Write-offs being smaller than the Late Payment Revenues,

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

<sup>2</sup> *Formal Case No. 1085, In the Matter of the Investigation of a Purchase of Receivables Program in the District of Columbia (Formal Case. No. 1085)*, Order No. 17052, issued January 18, 2013.

<sup>3</sup> *Formal Case No. 1085, POR Supplier Discount Rate Tariff Application*, filed March 11, 2015 (Application).

<sup>4</sup> Application at 4.

including Market Priced customers. Pepco's tariff proposes to apply a discount rate on the receivables associated with Residential customers of 0.0000% on Schedule R, 0.8081% for Residential customers on Schedule AE, 5.2686% for Residential customers on Schedule RAD, 5.6553% for Residential customers on Schedule RAD-AE, and 0.0000% for Residential customers on Schedule R-TM. Pepco proposes to apply a discount rate of 0.0000% on receivables associated with Small Commercial customers, Schedules GS-LV ND, T, SL, TS and TN, and 0.0000% on the receivables associated with Large Commercial customers, Schedules GS-LV, GS-3A, GT-LV, GT-3A, GT-3B and RT, and finally, 0.0419% for Market Priced Customers, Schedules GSLVND, GS-LV, GS-3A, GT-LV, GT-3A, T, SL, and TS.

4. In addition to the above tariff modifications, Pepco provided information in Attachment B through Attachment G detailing how the Discount Rates are derived using the POR data for the period October 2013 through December 2014. Pepco states that Attachment B is a summary showing the results of the Write-Offs, including Reinstatements, and Late Payment Revenues expressed as a percentage of Third Party Supplier Revenues for Residential Customers served under Schedules R, AE, RAD, RAD-AE and RTM, and Non-Residential Customers. Small Commercial Non-Residential Customers are served under Schedules GS-LV-ND, T, SL, TS and TN; Large Commercial customers are served under Schedules GS-LY, GS-3A, GT-LY, GT-3A, GT-3B and RT; and Market Priced Service customers are served under Schedules GS-LY-ND, GS-LY, GS-3A, GT-LY, GT-3A, T, SL and TS. In Order No. 16916,<sup>5</sup> the Commission approved a Risk Component to be included in the Discount Rate. In the same Order, the Commission allowed for a Cash Working Capital adjustment. Pursuant to the Commission's directive that both components be set to zero and that they may not be changed without the Commission's written authorization, Pepco set the Risk Factor and the Cash Working Capital component to zero. Pepco states that the Program Development and Operation Cost component and the Interest and Reconciliation Factors are added to arrive at the Discount Rates for each of the eight rate classes described above.

5. In Attachment C, Pepco lists by month from October 2013 through December 2014, and by customer type the Electric Revenues Billed, less POR Discounts, the Net Electric Revenues Billed, and the Write-Offs, net of Reinstatements. Pepco states that there is a timing difference of about six months between billing the customer and writing off the account as uncollectible. Pepco's policy for uncollectibles is to write off delinquent accounts after 120 days. Pepco states that interest is calculated based on the cumulative Over/ (Under) Collection at 8.03% per Formal Case No. 1087 from October 7, 2013 through April 15, 2014, and at 7.65% per Formal Case No. 1103 from April 16, 2014 through December 31, 2014.

6. In Attachment D, Pepco provides the detailed calculation by customer type for the Reconciliation and Interest Factor. It states that the Reconciliation factor is derived by adding the Amortization of Program Cost to the POR Discounts less Write-

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<sup>5</sup> *Formal Case No. 1085*, Order No. 16916, issued September 20, 2012.



Offs and the net Over/ (Under) Collection is divided by the Electric Revenues billed for October 2013 through December 2014. Pepco states that the Interest Factor is derived by dividing the Interest from Attachment C by the Electric Revenues billed for January 2014 through December 2014.

7. In Attachment E, Pepco displays the derivation of the Program Development and Operation Cost Component. Pepco represents that the Program Development and Operation Cost is amortized over three years and earns interest at the Company's most recent authorized distribution system rate of return, currently at 7.65% per Formal Case. No. 1103. Pepco states that the Annual Amortization Cost by Customer Type is divided by the number of Choice Accounts to derive an Annual Cost per Customer and the Average Annual Customer kWh Usage by Type is multiplied by the Supply Rate for that type to calculate the Annual Supply Revenue per Customer. Pepco states that the Program Development and Operation Cost Component percent is derived by dividing the Annual Cost per Customer by the Annual Supply Revenue per Customer.

8. In Attachment F, Pepco provides the detailed calculation for the Program Development and Operation Cost by contractor labor hour and contractor rate per hour, and in Attachment G, Pepco shows the detail of the three year amortization for the Program Development and Operation Cost.

9. The original and proposed tariff pages and attachments are on file with the Commission. They may be reviewed at the Office of the Commission Secretary, Second Floor, West Tower, 1333 H Street, N.W., Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday, as well as on the Commission's Website at [www.dcpsc.org](http://www.dcpsc.org). Copies of the tariff pages and attachments are available, upon request, at a per page reproduction fee.

10. Comments and reply comments on the Application must be made in writing to Brinda Westbrook-Sedgwick, Commission Secretary, at the above address. All comments and reply comments must be received within thirty (30) days and forty-five (45) days, respectively, from the date of publication of this NOPT in the *D.C. Register*. Once the comment period has expired, the Commission will take final rulemaking action on Pepco's Application.

**OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA**  
**RECOMMEND FOR APPOINTMENTS OF NOTARIES PUBLIC**

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after June 1, 2015.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4<sup>th</sup> Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on May 1, 2015. Additional copies of this list are available at the above address or the website of the Office of the Secretary at [www.os.dc.gov](http://www.os.dc.gov).

**D.C. Office of the Secretary  
Recommended for appointments as a DC Notaries Public**

**Effective: June 1, 2015**

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Acatrinei	Ivona	Porter Wright Morris & Arthur LLP 1900 K Street, NW, Suite 1110	20006
Avent	Tracy B.	Self 2681 Douglas Road, SE, #303	20020
Baggot	LaTarsha	Sheppard Mullin Richter & Hampton 2099 Pennsylvania Avenue, NW, Suite 100	20006
Bailey	Mariana	WKM Solutions 1020 16th Street, NW	20036
Beaner Jr.	David W.	PNC Bank 1348 4th Street, NE	20002
Bestor	Eowyn G.	Dickinson Wright, PLLC 1875 Eye Street, NW, Suite 1200	20006
Bickford	Arteida G.	Epstein, Becker & Green, P.C. 1227 25th Street , NW, Suite 600	20037
Bishop	Melinda	Resolution Escrow Services, LLC 1801 16th Street, NW, Unit 701	20020
Bose	Subhojit	HSBC Bank USA NA 1715 Wisconsin Avenue, NW	20007
Boyd	Barbara D.	National Academy of Science 500 5th Street, NW	20001
Bynum-Hinton	Arellia Lisa	Industrial Bank 4812 Georgia Avenue, NW	20011
Cannon	Elizabeth A.	Ruddy Law Office 1225 15th Street, NW	20005
Carney	Eva Marie	Richards Kibbe & Orbe LLP 701 8th Street, NW, Suite 300	20001
Carr	David N.	Thurgood Marshall Center Trust, Inc. 1816 12th Street, NW	20009
Carson	Jean L.	Self 3949 Ames Street, NE	20019

**D.C. Office of the Secretary  
Recommended for appointments as a DC Notaries Public****Effective: June 1, 2015  
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Cerullo	Robert J.	Rock Creek Title, LLC 926 North Carolina Avenue, SE	20003
Chi	Szu Ching	Citi Bank 1000 Vermont Avenue, NW	20005
Claggett	Laura	Cafritz Interests 1660 L Street, NW, Suite 600	20036
Clark	Anthony L.	Government of the District of Columbia, Department of General Services 2000 14th Street, NW, 8th Floor	20009
Clark-Jackson	Sheila	First Home Care/Foundations for Home and Community 1012 14th Street, NW, Suite 1400	20005
Cordone	Yvette M.	American Petroleum Institute 1220 L Street, NW	20005
Davis	Crystal S.	Eagle's Crossing Apartments 116-B Irvington Street, SW	20032
Delatos	Barbara	Fitzpatrick Cella Harper & Scinto 975 F Street, NW, Suite 400	20004
Desojo	Emilia	IDB IIC Federal Credit Union 1300 New York Avenue, NW	20577
Downey	Michele A.	Seward & Kissel LLP 901 K Street, NW, Suite 800	20001
Drazin	Lara M.	Douglas Development Corporation 702 H Street, NW, Suite 400	20001
Duncan	Yasmin M.	Venable LLP 575 7th Street, NW	20004
Earp	Stacy	Government of the District of Columbia, Department of General Services 2000 14th Street, NW, 8th Floor	20009
Faulkner	Rosalind K.	Calvert House Apartment 2401 Calvert Street, NW	20008

**D.C. Office of the Secretary  
Recommended for appointments as a DC Notaries Public**

**Effective: June 1, 2015**

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Foster	David A.	DOJ/USAO/VWAW 555 4th Street, NW	20001
Gbade	Terri	Podesta Group 1001 G Street, NW, Suite 1000W	20001
Gilbert	John	Stewart Title Group LLC 11 Dupont Circle, NW, #750	20036
Golkow	Linda L.	Golkow Technologies Inc. 1629 K Street, NW, Suite 300	20006
Gordon	Barbara Y.	HSBC BANK 1401 I Street, NW	20005
Graham-Watanabe	Ashley	Neighborhood Legal Services Program 680 Rhode Island Avenue, NE	20002
Graves	Meagan Elizabeth	American Healthcare Association 1201 L Street, NW	20005
Gray	Anna Maria	Alliance Law Firm International PLLC 1050 17th Street, NW, Suite 800	20036
Guillen	Yaneth	Church of the Living God, La Luz del Mundo 1222 Rhode Island Avenue, NE	20018
Hammond	Margaret E.	Squire Patton Boggs 2550 M Street, NW	20037
Hargrove	Jamie Lynn	Carr Workplace 888 16th Street, NW, Suite 800	20006
Harper	Brent L.	Industrial Bank 4812 Georgia Avenue, NW	20011
Henriquez	Stephanie	Black and Indian Catholic Mission Board 2021 H Street, NW	20006
Hernacki	Lori	The Employment Law Group, PC 888 17th Street, NW, 9 <sup>th</sup> Floor	20006
Higginbotham	Danielle	T. Rowe Price 1717 K Street, NW, Suite A-100	20006

**D.C. Office of the Secretary  
Recommended for appointments as a DC Notaries Public**

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Higgins	Ursula	Self (Dual) 1902 Newton Street, NE	20018
Hill	Joanne	Law Office of Causton A. Toney 606 Powhatan Place, NW	20011
Irby	Lillian C.	Ginsberg Helfer & Boyd PLLC 1850 K Street, NW, Suite 675	20006
Jackson	Jeannette	Tycko & Zavareei LLP 2000 L Street, NW, Suite 808	20036
Jackson	Stellvonne	Woodley House, Inc. 1408 North Capitol Street, NW	20002
Jones	Glorine	Self 1505 Tubman Road, SE	20020
Kelly	Margaret	John Hancock 1101 17th Street, NW, Suite 202	20036
King	Regina M	Self 4217 Marne Place, NE	20019
Klinger	Jordan	Douglas Development Corporation 702 H Street, NW, Suite 400	20001
Labbe	Claude	Self 1214 Linden Place, NE	20036
Leylegian	Jane R.	Mid-Atlantic Settlement Services, LLC 5028 Wisconsin Avenue, NW, Suite 100	20016
Little-Grey	Wanda J.	Howard University 2244 10th Street, NW	20059
Lyles	Marian	Capital One Bank 901 New York Avenue, NW	20001
Makar	Brenda J.	Ballard Spahr LLP 1909 K Street, NW, 12th Floor	20006

**D.C. Office of the Secretary  
Recommended for appointments as a DC Notaries Public**

**Effective: June 1, 2015**

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Mantooth	Margery M.	Ober Kaler 1401 H Street, NW, Suite 500	20005
Marable	Enola Michelle	Hines 800 10th Street, NW, Suite 600	20001
McCann	Jacqueline A.	Goulston & Storrs 1999 K Street, NW	20006
McCullough-Harlin	Robin	Self (Dual) 78 T Street, NW	20001
Milne-Henry	Joy	Sutherland Asbill & Brennan LLP 700 Sixth Street, NW	20001
Moore	Sheila F.	Investment Company 1401 H Street, NW, Suite 1200	20005
Morton-McFadden	Nicole	The Washington Post 1150 15th Street, NW	20071
Moses	Crystal P.	Morgan Lewis & Bockius LLP 2020 K Street, NW	20015
Nelson-Walski	Leslie K.	McCarter & English LLP 1015 15th Street, NW, 12th Floor	20005
Nguyen	Thuy T.	The Freedom Forum/Newseum 555 Pennsylvania Avenue, NW	20001
Noya	Kara L.	Naval Facilities Engineering Command Washington 1314 Harwood Street, SE	20374
O'Brien	Daphne V.	Anybill Financial Services, Inc. 1801 Pennsylvania Avenue, NW, Suite 700	20006
Ochoa, Jr.	Francisco J.	SunTrust Bank 1369 Connecticut Avenue, NW	20036
Paul	Carlyle Barrow	Washington Latin Public Charter School 5200 2nd Street, NW	20011

**D.C. Office of the Secretary  
Recommended for appointments as a DC Notaries Public**

**Effective: June 1, 2015**

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Perez-Molina	Maria	IDB IIC Federal Credit Union 1300 New York Avenue, NW	20577
Prater	Donald S.	Dickinson Wright, PLLC 1875 Eye Street, NW, Suite 1200	20006
Ramsey	Lori A.	Pillsbury Winthrop Shaw Pittman LLP 1200 17th Street, NW	20036
Roberts	Shawn L.	GCS, Inc. 1800 M Street, NW, Suite 1050 South	20036
Robinson	Angel R.	Chadbourne & Parke LLP 1200 New Hampshire Avenue, NW, Suite 300	20037
Robinson-Paul	Joyce A.	Self 16 N Street, NW	20001
Ross	Jenise	Quality Trust for Individuals with Disabilities 5335 Wisconsin Avenue, NW, Suite 825	20015
Salaam	Aneesa Abdus	Correctional Corporation of America 1901 E Street, SE	20003
Sammoury	Lorna	Self 417 12th Street, NE	20002
Sanchez	Mirna Helen	Ayuda 6925 Willow Street, NW	20012
Saponara	Maria	The Wilderness Society 1615 M Street, NW	20036
Saunders	Julie M.	Four Seasons Hotel Washington, DC 2800 Pennsylvania Avenue, NW	20007
Smith	Whitney D.W.	Douglas Development Corp. 702 H Street, NW, Suite 400	20001
Smith	Harry L.	IBTTA 1146 19th Street, NW, Suite 600	20036



**D.C. Office of the Secretary  
Recommended for appointments as a DC Notaries Public****Effective: June 1, 2015****Page 8**

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Spangler	Jennifer M.	Jennings, Strouss & Salmon, PLC 1350 I Street, NW	20005
Staffier	John A.	Douglas Development Corporation 702 H Street, NW, Suite 400	20001
Stockwell	Barbara	Self 614 Ingraham Street, NE	20011
Thacker	Nicole D.	Forest City Enterprises 1212 4th Street, SE	20003
Thompson	Angela	Self (Dual) 1800 M Street, NW, Suite 1050 S	20036
Tillery	Donald Jerome	Tillery's Notary Service 1445 14th Street, NW	20005
Vivanco	Maria Cristina	IDB IIC Federal Credit Union 1300 New York Avenue, NW	20577
Warren	Frieda L.	The Heritage Foundation 214 Massachusetts Avenue, NE	20019
Whalen	Josett F.	For the Record 1100 H Street, NW, Suite 1050	20005
Wilkerson	Carol A.	Sheppard Mullin Richter & Hampton LLP 2099 Pennsylvania Avenue, NW, Suite 100	20006
Williams	Richard A.	DC Department of Disability Services 1125 15th Street, NW	20005

**DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT****NOTICE OF FUNDING AVAILABILITY****DSLBD Healthy Food Retail Program Grant**

The Department of Small and Local Business Development (DSLBD) has rescinded the Notice of Funding Availability which was issued for the **Healthy Food Retail Program Grant** and no grant applications are currently available.

**Contact Information:** Lauren Adkins at the Department of Small and Local Business Development at [lauren.adkins@dc.gov](mailto:lauren.adkins@dc.gov) or 202-727-3900.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DC TAXICAB COMMISSION**

**NOTICE OF GENERAL COMMISSION MEETING**

The District of Columbia Taxicab Commission will hold its regularly scheduled General Commission Meeting on Wednesday, May 13, 2015 at 10:00 am. The meeting will be held at our new office location: 2235 Shannon Place, SE, Washington, DC 20020, inside the Hearing Room, Suite 2023. Visitors to the building must show identification and pass through the metal detector. Allow ample time to find street parking or to use the pay-to-park lot adjacent to the building.

The final agenda will be posted no later than seven (7) days before the General Commission Meeting on the DCTC website at [www.dctaxi.dc.gov](http://www.dctaxi.dc.gov).

Members of the public are invited to participate in the Public Comment Period. You may present a statement to the Commission on any issue of concern; the Commission generally does not answer questions. Statements are limited to five (5) minutes for registered speakers and two (2) minutes for non-registered speakers. To register, please call 202-645-6002 no later than 3:30 pm on May 12, 2015. Registered speakers will be called first, in the order of registration. A fifteen (15) minute period will then be provided for **all** non-registered speakers. **Registered speakers must provide ten (10) printed copies of their typewritten statements to the Secretary to the Commission no later than the time they are called to the podium.**

**DRAFT AGENDA**

- I. Call to Order
- II. Commission Communication
- III. Commission Action Items
- IV. Government Communications and Presentations
- V. General Counsel's Report
- VI. Staff Reports
- VII. Public Comment Period
- VIII. Adjournment

**THURGOOD MARSHALL ACADEMY PUBLIC CHARTER HIGH SCHOOL****NOTICE OF REQUEST FOR PROPOSALS****Security**

**Thurgood Marshall Academy**—a nonprofit, college-preparatory, public charter high school—seeks a vendor to provide security services.

E-mail request for full RFP to [dschlossman@tmapchs.org](mailto:dschlossman@tmapchs.org) no later than 5 pm on May 8, 2015, along with

- (1) security service license, business license, or comparable document;
- (2) current insurance certificate; and
- (3) e-mail address and contact name to which RFP should be sent.

**Note also:**

**CBE Registration (optional/a plus):** Contractors may submit their registration number as a DC Community Business Enterprise (“CBE”) if registered with the DC Department of Small & Local Business Development.

**Non-debarment:** By submitting a bid, contractors affirm that they (and lessors/subcontractors, if any) are not an excluded party by or disbarred from doing business with or accepting funds from either the U.S. federal government or the government of the District of Columbia.

**RFP Amendments:** Amendments and extensions of the RFP—if any—will be published exclusively on the school website—[www.thurgoodmarshallacademy.org](http://www.thurgoodmarshallacademy.org).

**General Conditions:** The RFP is subject to the General Conditions Statement found in the RFP and on the Employment Opportunities page of the school website; by submitting a bid contractors agree to those provisions.

**Contact:** For further information regarding the RFP contact **David Schlossman, 202-276-4722, dschlossman@tmapchs.org**. Further information about Thurgood Marshall Academy—including our nondiscrimination policy—may be found at [www.thurgoodmarshallacademy.org](http://www.thurgoodmarshallacademy.org).

**Deadline & Submission:** Submit bids—including signed contract and contact information—via email to [dschlossman@tmapchs.org](mailto:dschlossman@tmapchs.org) no later than **5 pm, Washington, DC, time on Monday, May 11, 2015**.

**DEPARTMENT OF TRANSPORTATION  
POLICY, PLANNING & SUSTAINABILITY ADMINISTRATION  
HIGHWAY SAFETY BEHAVIORAL GRANT PROGRAM**

**NOTICE OF FUNDING AVAILABILITY**

**Fiscal Year 2016 Grant to Non-Profit Community-Based Organizations**

The Policy, Planning & Sustainability Administration (PPSA), Highway Safety Division, within the District of Columbia (District) Department of Transportation (DDOT) is soliciting detailed innovative projects that address the following identified problem areas:

- Impaired driving;
- Occupant protection to include seat belts and child passenger safety;
- Aggressive driving;
- Pedestrian/Bicycle safety; and
- Traffic Records

Successful grant applications will provide solutions to identified problems, implement proven strategies, show a commitment on the part of the applicant to sustain and contribute to success, have measurable outcomes, and/or have the greatest demonstrable need or problem. The purpose Of the Highway Safety (behavioral) Grant Program is to reduce fatalities and injuries in the District of Columbia through the implementation of programs that will bring awareness to pedestrians/bicyclists, and motorists. Applicant Problem Statements must be data driven, have performance measures, goals and objectives.

DDOT intends to make several grant awards of up to one hundred thousand dollars (\$100,000) to fund eligible organizations. The award will be for fiscal year 2016 which begins October 1, 2015 and expires September 30, 2016. Eligible organizations must be non-profit organizations. The service and activities to be funded through these grants should have a direct impact on behavioral changes of residents of the District of Columbia and meet the requirements of the highway safety grant program. This is a reimbursable grant based on expenditures and does not allow funding to be advanced to prospective grant recipients.

The Request for Application (REA) will be released on Monday May 1, 2015 and a copy of the grant application may be obtained from PPSA;s Highway Safety Division's main office located at 55 M Street, SE, 5<sup>th</sup> Floor, Washington, DC 20003, or can be obtained by going to the safety office's website [www.ddot-hso.com](http://www.ddot-hso.com). Once there click on "Grants Information", then click on 2016 Grant Application & Guide. For additional information please contact Carole A. Lewis by email at: [carole.lewis@dc.gov](mailto:carole.lewis@dc.gov).

**The deadline for submission of all grant applications is Friday, May 15, 2015 at 3:00 PM**

**NOTICE OF NON-DISCRIMINATION**

**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, status as a victim of an intrafamily offense, 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.**

**TWO RIVERS PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Phone System Services**

Two Rivers Public Charter School is seeking competitive proposals for Phone System Services for a public charter school facility project. For a copy of the RFP, please contact Mr. Ryan Gever of Brailsford & Dunlavey at [rgever@programmanagers.com](mailto:rgever@programmanagers.com). All proposals must be submitted by 12:00 noon on Tuesday, May 12, 2015.

**WASHINGTON GLOBAL PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Legal services and janitorial and/or facility maintenance services**

Washington Global invites all interested parties to submit proposals to provide legal services related to the financing and renovation of a charter school facility, and janitorial services including a day porter and/or facility maintenance services. Proposals are due no later than 12:00 PM on May 15, 2015. The complete RFP can be obtained by contacting [rfp@buildinghope.org](mailto:rfp@buildinghope.org), please indicate which RFP you are requesting.



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Board of Zoning Adjustment**

**Application No. 18900 of Associates for Ideal Education, d/b/a Academy for Ideal Education**, as amended, pursuant to 11 DCMR § 3104.1, for a special exception from the private school requirements under § 206.1, and pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under § 2101.1, to allow operation of a private school in the R-2 District at premises 4501 Dix Street, N.E. (Square 5135, Lot 73).<sup>1</sup>

**HEARING DATE:** January 13, 2015, March 17, 2015 and April 7, 2015  
**DECISION DATE:** April 7, 2015

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief. (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”) 7D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7D, which is automatically a party to this application. ANC 7D submitted a report noting that at a duly noticed meeting on February 10, 2015, with a quorum present, it voted unanimously to support the application. (Exhibit 29.) The Office of Planning (“OP”) also submitted a report in support of the application. (Exhibit 27.)

OP filed a supplemental report addressing the variance relief which was added after the initial OP report was filed. OP was of the view that the application meets the variance test. (Exhibit 31.) ANC 7D filed a supplemental report dated March 31, 2015 confirming that it had notice of the amendment when voting to support the application initially. The ANC confirmed its position in support. (Exhibit 42.)

The D.C. Department of Transportation submitted a report expressing (no objection) to the application for special exception relief. (Exhibit 28.) There were three form letters filed in support of the application. (Exhibits 34, 35, and 36.)

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<sup>1</sup> The Applicant filed a letter on March 10, 2015 amending the application to request variance relief from the parking requirements of 11 DCMR § 2101.1, as captioned above.

**BZA APPLICATION NO. 18900**  
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Special Exception Relief:

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception relief under § 206. The only parties to this case were the Applicant and ANC 7D which supported the application. 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 ANC and the OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 206, 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.

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 § 2101.1. No parties appeared at the public hearing in opposition to this application for variance relief. 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 a variance from § 2101.1, the applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. 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 **FOLLOWING CONDITIONS:**

1. Enrollment shall be limited to 110 students.
2. Teachers and staff shall be limited to 12.
3. The hours of operation shall not exceed Monday through Friday, from 8:30 a.m. to 3:30 p.m. for students and 8:00 a.m. to 4:00 p.m. for teachers and staff.

**BZA APPLICATION NO. 18900**

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**VOTE:**           **4-0-1**           (Lloyd J. Jordan, Michael G. Turnbull, Marnique Y. Heath, and Jeffrey L. Hinkle to Approve; one Board seat vacant.)

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

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

**FINAL DATE OF ORDER:** April 17, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 18949 of Bright Future Early Learning Center, LLC**, pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under § 2101.1, to allow the operation of a child development center for 62 children and 11 staff in the C-2-A District at premises 2535 Bladensburg Road, N.E. (Square 4356, Lot 802).

**HEARING DATES:** March 17, 2015<sup>1</sup>, April 7, 2015, and April 14, 2015

**DECISION DATE:** April 14, 2015

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief. (Exhibit 7.)

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 the Applicant, Advisory Neighborhood Commission (“ANC”) 5C, and to all owners of property within 200 feet of the property that is the subject of this application. The subject property is located within the jurisdiction of ANC 5C, which is automatically a party to this application. The ANC did not submit a report or testify with respect to the application. The Applicant testified that she attempted to contact the ANC to make a presentation but was unable to do so.

The Office of Planning (“OP”) submitted a timely report that recommended approval of the application. (Exhibit 25.) The District’s Department of Transportation (“DDOT”) submitted a timely report indicating it had no objection to the application. (Exhibit 26.)

A letter was submitted to the record from a neighboring business authorizing the Applicant to use three of its parking spaces. (Exhibit 24.) The Applicant’s landlord submitted a letter providing its consent to the application and in support of it. (Exhibit 33.)

A neighbor testified in opposition to the application. She voiced concerns over parking and wanted assurances that the use of her driveway would not be blocked. The Board conditioned its approval of the application in order to mitigate her concerns.

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<sup>1</sup> The hearing was postponed from March 17, 2015 to April 7, 2015 for a lack of posting. An affidavit of posting was filed on March 18, 2015. (Exhibit 31.) The Board postponed the hearing once more from April 7, 2015 to April 14, 2015.

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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 off-street parking requirements under § 2101.1, to allow the operation of a child development center for 62 children and 11 staff in the C-2-A District. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the OP report filed in this case, the Board concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 3103.2 for a variance under § 2101.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty or 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 APPROVED PLANS AT EXHIBIT 5 AND THE FOLLOWING CONDITION:**

1. For the first six months of operations, the Applicant shall appoint a traffic coordinator to be present during pick-up and drop-off times to ensure that cars are not blocking the adjacent alley.

**VOTE:**           **4-0-1** (Lloyd L. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle, and Robert E. Miller to APPROVE; one Board seat vacant.)

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

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

**FINAL DATE OF ORDER:** April 20, 2015

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

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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 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. 18973 of Pouria Saidi and Gholam Paknejad**, pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under § 2101.1, to allow the alteration and repair of an existing building to create a three-unit apartment building in the C-2-A District at premises 508 Rhode Island Avenue, N.W. (Square 476, Lot 20).

**HEARING DATE:** April 14, 2015

**DECISION DATE:** April 14, 2015

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 5 and 32.)

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”) 6E, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6E, which is automatically a party to this application. The ANC did not submit a report or testify with respect to the application. The Applicant testified that she attempted to contact the ANC several times both by telephone and by email to schedule making a presentation to the ANC but was unable to do so.

The Office of Planning (“OP”) submitted a timely report and testified at the hearing in support of the application. (Exhibit 30.) The District’s Department of Transportation (“DDOT”) submitted a timely report indicating it had no objection to approval of the application. (Exhibit 31.) Nine letters in support of the application signed by neighbors were submitted to the record. (Exhibit 27.)

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 off-street parking requirements under § 2101.1, to allow the alteration and repair of an existing building to create a three-unit apartment building in the C-2-A District. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the OP report filed in this case, the Board concludes that the Applicant has met the burden of proof

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pursuant to 11DCMR § 3103.2 for a variance under § 2101.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty or 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 APPROVED PLANS AT EXHIBIT 9**.

**VOTE:**       **4-0-1** (Lloyd J. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle,  
and Robert E. Miller to APPROVE; one Board seat vacant.)

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

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

**FINAL DATE OF ORDER:** April 21, 2015

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



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THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICALAFFILIATION, 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. 18978 of 4326 Georgia LLC**, pursuant to 11 DCMR § 3103.2, for variances from the off-street parking requirements under § 2101.1, and the compact parking space requirements under § 2115.2, to allow the construction of a new nine-unit apartment building in the C-2-A District at premises 4326 Georgia Avenue, N.W. (Square 2914, Lot 22).

**HEARING DATE:** April 14, 2015

**DECISION DATE:** April 14, 2015

**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 ("Board" or "BZA") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 4C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4C, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and duly noticed meeting on March 11, 2015, at which a quorum was present, the ANC voted 9-1 in support of the application. (Exhibit 24).

The Office of Planning ("OP") submitted a timely report on April 6, 2015, recommending approval of the application, (Exhibit 28), and testified in support of the application at the hearing. The District Department of Transportation ("DDOT") submitted a timely report on April 7, 2015 indicating its support for the relief requested with the condition that the Applicant implement additional TDM measures regarding (i) the provision of an annual bikeshare membership or car-sharing subscription for building residents, and (ii) the provision of a package of transportation related information and promotional brochures to residents upon move-in. (Exhibit 29.)

**Variance Relief**

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2 for an area variance from §§ 2101.1 and 2115.2. 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 variances from §§ 2101.1 and 2115.2, the Applicant has met the burden of proof under 11 DCMR § 3103.2, that there exists an

**BZA APPLICATION NO. 18978**  
**PAGE NO. 2**

exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. 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 APPROVED PLANS IN EXHIBIT 3 AND THE FOLLOWING CONDITIONS:**

1. For condominium units, the Applicant shall provide an annual bikeshare membership or car-share subscription at the initial sale of each unit. For rental apartments, the Applicant shall provide one complimentary annual bikeshare or one complimentary annual car-share membership subscription for each unit for the first five years; and
2. The Applicant shall provide a package of transportation related informational and promotional brochures to tenants or initial unit owners upon move-in, including information on Metro bus, Metrorail, Capital Bikeshare, car-share programs, Commuter Connections, and the Go-DC-Go program.

**VOTE: 4-0-1** (Lloyd J. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle, and Robert E. Miller to Approve; one Board seat vacant.)

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

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

**FINAL DATE OF ORDER:** April 20, 2015

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

**BZA APPLICATION NO. 18978**  
**PAGE NO. 3**

GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 02-38F  
Z.C. CASE NO. 02-38F**

**District of Columbia Office of the Deputy Mayor for Planning and Economic  
Development  
(Time Extension for First-Stage PUD for Northeast Building @  
Square 542, Record Lot 89)  
March 30, 2015**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia ( "Commission") was held on March 31, 2015. At the meeting, the Commission approved a request from the District of Columbia Office of the Deputy Mayor for Planning and Economic Development ("DMPED") for a time extension for an approved first-stage planned unit development ("PUD") for property consisting of Record Lot 89<sup>1</sup> in Square 542 ( "Property"), pursuant to Chapters 24 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR").

**FINDINGS OF FACT**

1. By Z.C. Order No. 02-38A, the Commission approved a modification to a first-stage PUD ("First-Stage PUD"), a second-stage PUD ("Second-Stage PUD"), and a Zoning Map amendment for the Property. The First-Stage PUD provides for the development of eight buildings including residential, office, and ground-floor retail uses and includes significant open spaces, as well as the re-opening of the 4<sup>th</sup> Street right-of-way. The Second-Stage PUD includes the four buildings through the center of the Property and their adjacent open spaces. These buildings include the East and West 4<sup>th</sup> Street Office Buildings with ground-floor retail space, including a Safeway grocery store flanking the east and west side of 4<sup>th</sup> Street, S.W. and the East and West Residential Towers, which have a continuous open space connecting them to 4<sup>th</sup> Street, S.W. Z.C. Order No. 02-38A became effective upon its publication in the *D.C. Register* on January 25, 2008.
2. Under Condition No. 28 of Z.C. Order No. 02-38A, the Second-Stage PUD is approved for a period of two years from the effective date of the order. Per the order, the Applicant is required to file for a building permit within

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<sup>1</sup> Record Lot 89 in Square 542 has been divided into Lots 822–834 for assessment and taxation purposes.

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that time, as specified in 11 DCMR § 2409.1. Construction must begin within three years of the effective date of the order.

3. Condition No. 29 of Z.C. Order No. 02-38A provides that the approval for the First-Stage PUD is valid for a period of five years from the effective date of the order. Accordingly, Z.C. Order No. 02-38A requires the Second-Stage PUD applications for the Northwest Building, the Northeast Building, and the West M Street Building to be filed by January 25, 2013. Per the order, these second-stage applications may be submitted individually, at the same time, or in any combination thereof.
4. The timeframe for filing the Second-Stage PUD application for the East M Street Building is separate and is based upon the date that Safeway vacated the premises, which was April 15, 2010. Accordingly, the Second-Stage PUD application for the East M Street Office Building must be filed by April 15, 2015.
5. Building permits for the East and West 4<sup>th</sup> Street Office Buildings were issued on or around July 17, 2008. Construction commenced in September 2008.
6. By Z.C. Order No. 02-38B, the Commission approved a two-year extension of the Second-Stage PUD with respect to the East and West Residential Buildings. That order requires that a building permit be filed no later than January 25, 2012, and that construction commence by January 25, 2013. The developer of those buildings filed building permits for both the East and West Residential Buildings in advance of January 25, 2012. Construction has commenced on both the East and West Residential Buildings.
7. By Z.C. Order No. 02-38C, the Commission approved a two-year and three-month extension of the First-Stage PUD with respect to the West M Street Office Building and the Northeast Building. That order required that Second-Stage PUD applications be filed by April 15, 2015. The applications may be submitted individually or at the same time.
8. On February 20, 2015, DMPED filed a Request for an Extension of Time for an additional two years for the First-Stage PUD approval for the Northeast

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Building. The request, if approved, would require a Second-Stage PUD for the Northeast Building to be filed no later than April 15, 2017.

9. DMPED submitted evidence that delays beyond its reasonable control have prevented the development from meeting the April 15, 2015, deadline. Specifically, DMPED has spent much of the past two years working with other District agencies and the community to create a development concept that would integrate the Southwest Neighborhood Library (“SWN Library”) into the Northeast Building. DMPED, DC Public Library, and the Office of Planning (“OP”) held a number of meetings with Advisory Neighborhood Commission (“ANC”) 6D and the community in order to explore the option of moving the library to 4<sup>th</sup> Street. Additionally, DC Public Library commissioned architectural studies of how to integrate the SWN Library into the Northeast Building. These studies were presented at multiple community events to receive public feedback. However, a majority of community members were committed to a stand-alone library branch on its current site. As a result, DMPED decided to move forward with a solicitation for the development of the Northeast Building based on the approved PUD Order. Still, the extended consideration given to integrating the SWN Library into the Northeast Building prevented DMPED from soliciting a development partner and timely submitting a Second-Stage PUD application.
10. DMPED also emphasized the constraints to which it is subject when moving forward with a development. As a government agency, DMPED has a development process that is much longer than that of a typical private developer due to the need to ensure transparency, fairness, and community participation, as well as compliance with District law. To select a development partner, DMPED issues a request for proposals and allows up to 90 days for responses, after which the selection committee may ask for additional information from prospective partners and may create a short list of candidates to submit a Best and Final Offer. The selection committee may then have these short-listed developers present proposals to the community, after which the committee weighs this information and community feedback in making a final decision. DMPED then awards an exclusive right to negotiate and it begins negotiation with the chosen developer regarding the remaining terms of the disposition of the site. Once a Land Disposition and Development Agreement is drafted for the

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partnership, that agreement is submitted to the Council for approval, along with an economic analysis and proof of community engagement, in addition to meeting numerous other statutory requirements. Only upon the Council's approval of the agreement, which may take up to 90 days, can DMPED and its development partner file the Second-Stage PUD application.

11. Due to the extended nature of the selection process, in combination with the delays related to the initially proposed integration of the Southwest Neighborhood Library, DMPED is unable to meet the April 15, 2015, deadline for filing the Second-Stage PUD application.
12. On February 20, 2015, DMPED served a copy of the Request for an Extension of Time on all parties, including ANC 6D, Tiber Island Cooperative Homes, Inc., and the Carrollsburg Square Condominium Association.
13. On February 27, 2015, the OP submitted a report supporting the requested time extension.
14. On March 16, 2015, ANC 6D submitted a letter in support of the requested time extension. The letter stated that, at its March 9, 2015, public meeting, the ANC urged DMPED to service the site during the two-year extension period, including conducting routine landscaping and adding park benches.
15. At a public meeting on March 30, 2015, the Commission considered the request.

### CONCLUSIONS OF LAW

1. Subsection 2407.10 of the Zoning Regulations authorizes the Zoning Commission to extend the time period of a first-stage PUD. Subsection 2407.11 requires that any request to extend that time period must be "accordance with the standard and process for second-stage PUD extensions set forth in § 2408.10 through 2408.12."
2. Those provisions authorize the Commission to extend the validity of a final PUD order for good cause shown upon a request made before the expiration of the approval, provided: (a) the applicant serves the request on all parties



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- to the application and allows them 30 days to respond; (b) there is no substantial change in any material fact upon which the Commission based its original approval of the PUD that would undermine the Commission's justification for approving the original PUD; and (c) the applicant demonstrates with substantial evidence that there is good cause for such extension, as provided in § 2408.11. (11 DCMR § 2408.10.) Under § 2408.11(b), the applicant may show good cause by demonstrating an inability to secure all required governmental agency approvals for a PUD by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control.
3. In this case, DMPED has complied with the notice requirements of 11 DCMR § 2408.10(a) by serving all parties with a copy of the requests and allowing them 30 days to respond.
  4. Further, there has been no substantial change in any material fact that would undermine the Commission's justification for approving the original PUD.
  5. DMPED has presented substantial evidence of good cause for the extension based on the criteria established by 11 DCMR § 2408.11(b). Specifically, DMPED demonstrated that development of the Northeast Building has been delayed by (1) the initial proposal to integrate the SWN Library into the development, which was ultimately abandoned, and (2) the lengthy approval process DMPED must undergo in choosing a development partner and finalizing a Land Disposition and Development Agreement for the project.
  6. Section 2408.12 of the Zoning Regulations provides that the Commission must hold a public hearing on a request for an extension of the validity of a PUD only if the Commission determines that the parties to the PUD have raised a material factual conflict concerning the criteria set forth in § 2408.11. In this case, the parties have raised no such factual conflicts and, thus, a hearing is not necessary for this request.
  7. This decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations.

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8. 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)), requires the Commission to give great weight to the issues and concerns that the affected ANC raises in its written recommendation. In its March 16, 2015, letter, ANC 6D indicated support for the time extension and requested that DMPED service the site during the two-year extension period, including conducting routine landscaping and adding park benches. The Commission has considered the ANC's request and concludes that it does not have the authority to impose conditions on a time extension that would ordinarily require a modification to the original PUD approval. As the agency with jurisdiction over the site, DMPED already has an obligation to maintain it and the Commission expects DMPED to do so.
9. Section 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04), requires the Commission to give great weight to OP's recommendations. OP's report indicates that DMPED has met the requisite standards for a PUD extension and, therefore, OP recommended approval of the requested extension. The Commission has considered OP's recommendation and given it great weight in approving this request.

### DECISION

In consideration of the Findings of Fact and Conclusions of Law above, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the request for a two-year time extension for the First-Stage PUD approval of the Northeast Building approved in Zoning Commission Case No. 02-38A. The First-Stage PUD for this building shall be valid until April 15, 2017, within which time a Second-Stage PUD application shall be filed.

On March 30, 2015, upon the motion made by Vice Chairperson Cohen, as seconded by Commissioner Miller, the Zoning Commission adopted this order by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on May 1, 2015.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 14-09**

**Z.C. Case No. 14-09**

**QC 369, LLC**

**(Consolidated Planned Unit Development and Related Map Amendment  
@ Square 369, Lots 40, 62, 65- 67, 801-805, 838, 839, 842, 848, 859, 878, and  
Portions of Two Public Alleys to be Closed)**

**March 30, 2015**

Pursuant to notice, the Zoning Commission for the District of Columbia ( "Commission") held a public hearing on January 29, 2015, to consider an application for a consolidated planned unit development ("PUD") and related zoning map amendment filed by QC 369, LLC ( "Applicant"). The Commission considered the application pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby **APPROVES** the application.

**FINDINGS OF FACT**

**The Application, Parties, Hearings, and Post-Hearing Filings**

1. On June 17, 2014, the Applicant filed an application with the Commission for consolidated review of a PUD and related map amendment to rezone portions of the property at the northwest corner of 9<sup>th</sup> and L Streets, N.W. (Square 369, Lots 40, 62, 65-67, 801-805, 838, 839, 842, 848, 859, 878, and parts of two public alleys to be closed) ("Property"). The Property is currently split-zoned, with the lots fronting on 9<sup>th</sup> Street in the DD/C-2-A Zone District and the remainder of the Property in the DD/C-2-C Zone District. Under the proposed map amendment, the majority of the 9<sup>th</sup> Street lots, for a depth of approximately 40 feet, would remain in the DD/C-2-A Zone District and the rest of the Property would be rezoned to DD/C-3-C.
2. The proposed project ("Project") contemplates the adaptive reuse of eight historic buildings to be incorporated into a new 12-story mixed-use development, consisting of two Marriott hotels with ground floor retail and service uses (Phase I) and a residential building (Phase II). The Applicant presently intends to construct both phases simultaneously, subject to market conditions. The hotels will consist of approximately 360,315 square feet of gross floor area and approximately 504 guest rooms (approximately 144 rooms at the Residence Inn and approximately 360 rooms at the Courtyard by Marriott). The residential portion of the building will consist of approximately 222,507 square feet of gross floor area with approximately 203 units. The building is designed with underground parking spaces (including valet and vault spaces) on two levels that can accommodate approximately 255 vehicles. Approximately 149 parking spaces (including vault and valet spaces) will be devoted to the hotel use and approximately 106 parking spaces (including vault spaces) will be devoted to the

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- residential use. The proposed project will have various building heights, with the new construction rising to a maximum height of 110 feet. The maximum proposed density for the Project is 8.23 floor area ratio (“FAR”).
3. By report dated July 18, 2014, the Office of Planning (“OP”) recommended that the application be set down for a hearing. At its public meeting held on July 28, 2014, the Commission voted to schedule a public hearing on the application.
  4. The Applicant submitted a pre-hearing statement for the Project on August 7, 2014, and a hearing was timely scheduled for the matter on November 17, 2014. At the request of the Applicant, the hearing was rescheduled for January 29, 2015. A description of the proposed development and the notice of the rescheduled public hearing in this matter were published in the *D.C. Register* on September 26, 2014. The notice of rescheduled public hearing was mailed or emailed to all property owners within 200 feet of the Property as well as to Advisory Neighborhood Commission (“ANC”) 2F on September 25, 2014.
  5. The parties to the case were the Applicant and ANC 2F, which was in support of the application.
  6. The Commission convened a hearing on January 29, 2014, which was concluded that same evening. At the hearing, the Applicant presented four witnesses in support of its applications: Robert Knopf, Jr., Quadrangle Development on QC 369 LLC; C. Robert Neal, AIA, Cooper Carry TVS Architects; and Erwin Andres, Gorove/Slade Associates. Based upon their professional experience and qualifications, Mr. Neal was recognized as an expert in architecture and Mr. Andres as an expert in transportation engineering, and the Commission accepted his Transportation Impact Study (“TIS”) into the record. (Exhibit [“Ex.”] 50F.) The Commission also qualified Mr. Peter Green of TVS Design as an expert in architecture; Mr. Lindsley Williams, Holland & Knight LLP, as an expert in land use and planning; Mr. Eric Smart, Bolan Smart Associates, expert in real estate financial impacts; and Ms. Emily Eig, EHT Traceries, as an expert in architectural history and historic preservation. Expert reports submitted by Mr. Smart and Ms. Eig were also accepted into the record. (Ex. 50D, 50E.)
  7. Stephen Gyor, Development Review Specialist at OP, and Anna Chamberlain of the District’s Department of Transportation (“DDOT”) testified in support of the application with certain comments and conditions.
  8. On January 29, 2015, ANC 2F submitted its resolution to the record in support of the application. The Commission also received letters of support from Mr. Gregory O’Dell of DC Events, and the D.C. Preservation League, in support of the preservation component of the project. Both the Whitman Condominium and the Quincy Court Condominium Association initially submitted letters in opposition to the Project.

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Subsequently, the Whitman Condominium submitted a letter in support and the Quincy Court Condominium submitted a letter indicating that it no longer objected to the Project. Mr. Alex Padro and Rev. Arthur Williams, Emmaus Services for the Aging, appeared as persons in opposition to the Applicant's community contributions.

9. The record was closed at the conclusion of the hearing, except to receive additional submissions from the Applicant, as requested by the Commission, and responses thereto from the parties. The Commission also requested proposed findings of fact and conclusions of law from the parties.
10. At its public meeting held on February 23, 2015, the Commission took proposed action to approve with conditions the PUD and related map amendment. The Commission left the record open for a report from OP regarding the Project's proposed roof structures and whether they complied with the Zoning Regulations and the Height of Buildings Act of 1910.
11. On March 2, 2015, the Applicant submitted its list of proffers and draft conditions, and drawings showing revised roof structure setbacks for the roof top pool, the mechanical plinth space, and handrail. (Ex. 66.) On March 16, 2015, the Applicant submitted its final list of proffers and draft conditions. (Ex. 68.)
12. The application was referred to the National Capital Planning Commission ("NCPC") for review of any impacts on the federal interest under the Comprehensive Plan. By delegated action dated February 27, 2015, NCPC's Executive Director recommended that the application would not be inconsistent with the Comprehensive Plan for the National Capital. (Ex. 69.)
13. The Commission took final action to approve the PUD on March 30, 2015.

### **The Property and Surrounding Area**

14. The Property is located at the northwest corner of 9<sup>th</sup> and L Streets, N.W. and is comprised of Lots 40, 62, 65-67, 801- 805, 838, 842, 848, 859, and 878 in Square 369. The Property has a land area of 70,787 square feet. Square 369 is split-zoned, with the existing historic buildings fronting on 9<sup>th</sup> Street located in the Downtown Development Overlay (DD)/C-2-A Zone District, and the remaining western portion of the square located in the DD/C-2-C Zone District. The historic buildings, located on Lots 65, 66, 801, 802, 838, 839, 942, 879, and 881, date from the period of significance for the Shaw Historic District (1833-1932).
15. The remainder of Square 369 primarily includes multifamily houses and condominiums, two and three story row dwellings with ground floor retail, and surface parking lots. Square 369 is bisected by a 15-foot wide public alley that runs north-south between L

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and M Streets. The square also includes several other east-west and north-south alley segments. Portions of the alleys would be closed to facilitate the proposed Project.

16. Surrounding squares have some mixed-use, higher density structures. To the east of the Property, on the east side of 9<sup>th</sup> Street, N.W., between Massachusetts Avenue and N Street N.W., is the Washington Convention Center; to the north of the property, zoned DD/C-2-A, are low-density commercial structures and a multifamily building; to the west of the Property is a multifamily building, zoned DD/C-2-C; and to the south of the property, across L Street, is the Marriott Marquis Hotel. The property is near four Metrorail stations (Mount Vernon Square-Convention Center, Gallery Place-Chinatown, Judiciary Square, and Union Station), and has access to Metrobus routes, the DC Circulator, and Capital Bikeshare.

### Existing and Proposed Zoning

17. The Property is split-zoned DD/C-2-C and DD/C-2-A, and is located within Housing Priority Area A, as that area is defined in § 1706.8 of the Zoning Regulations. In order to facilitate the proposed development of the Property, the Applicant seeks to modify the current zone designations for the majority of the Property from the DD/C-2-C and DD/C-2-A Zone Districts to the DD/C-3-C Zone District. The historic properties fronting 9<sup>th</sup> Street, N.W. will remain in the DD/C-2-A Zone District to an average depth of approximately 40 feet. The boundary line will follow the rear portions of the retained buildings.
18. The Downtown Development ("DD") Overlay is applied to the core of the Downtown area, including the Convention Center and Mount Vernon Square areas. The C-2-A zoning classification on the east portion of the Property is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District outside of the central core. (11 DCMR § 720.2.) The C-2-A Zone Districts permit development to medium proportions and accommodate a major portion of existing commercial strip developments. (11 DCMR §§720.4-5.) Buildings may be constructed to a height of 110 feet (unless a greater height is permitted under the 1910 Height Act), with a maximum density of 8.0 FAR. (11 DCMR §§ 1701.7; 1706.4.)
19. The C-2-C zoning classification on the western portion of the Property is designed to serve commercial and residential functions with relatively high densities and mixed uses. (11 DCMR § 720.9.) C-2-C Zone Districts are compact and located in or near the Central Employment Area. (11 DCMR § 720.11.) Buildings in the C-2-C Zone District may be entirely residential or may be a mixture of commercial and residential uses. (11 DCMR § 720.12.)
20. The C-3-C Zone District permits medium-high density residential and mixed-use developments. (11 DCMR § 740.8.) Buildings in the C-3-C Zone District may be constructed to a maximum height of 90 feet, with no limitation on the number of stories, and a maximum density of 6.5 FAR. (11 DCMR §§ 770 and 771.) Buildings in the

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C-3-C Zone District may occupy 100% of the lot, but must provide a rear yard measuring 2.5 inches per foot of vertical height, but not less than 12 feet. ( 11 DCMR §§ 772, 774.) Corner lots may provide a court in lieu of a rear yard in the C-3-C Zone Districts.

21. Under both the PUD guidelines and the DD Overlay, the maximum building height permitted in the C-3-C Zone District is 130 feet , provided there is no conflict with the 1910 Height Act. (11 DCMR §§ 2405 and 1701.7.) In the DD/C-3-C Zone District, the matter of right density is 9.5 FAR, which may be devoted to all residential use or may include commercial or residential uses, provided at least 3.5 FAR is devoted to residential use. (11 DCMR §1706.5(a) and (b).) Based on the proposed split-zoning, the Property may be developed to a maximum aggregate density of 8.77 FAR; the Applicant proposes to construct the project to a maximum aggregate density of 8.23 FAR.

### **Description of the PUD Project**

22. The Applicant proposes to construct a new 12-story mixed use building at the Property with residential, hotel, and retail and service uses. The hotel uses will consist of a Residence Inn by Marriott and a Courtyard by Marriott. The Residence Inn will provide spacious studios and one and two-bedroom suites with rooms designed for extended-stay travelers with separate living and sleeping areas, kitchens, and work areas. This portion of the hotel will be located on the southeast corner of the Property, with the majority of the suites facing L Street to the south, and the remaining suites facing 9<sup>th</sup> Street to the east or into an interior courtyard. The Applicant proposes to provide approximately 144 guest rooms marketed as part of the Residence Inn, all of which will be located in new construction.
23. The Courtyard by Marriott will be located at the northeast portion of the Property and will be comprised primarily of one-bedroom units with two queen beds or one king-sized bed per guest room. This segment of the hotel will include approximately 360 hotel guest rooms facing, north, south, or west into a courtyard, or east toward 9<sup>th</sup> Street, N.W.
24. The project will provide a large lobby to accommodate the two different hotel types, both accessed from L Street as well as the corner of L and 9<sup>th</sup> streets, and through the historic buildings on 9<sup>th</sup>. The ground floor of the hotel will also contain a restaurant and bar that will occupy four of the six ground floors of the historic buildings on 9<sup>th</sup> Street. These spaces will operate as public food and beverage outlets open to the public as well as for the use of all hotel guests. Additionally, the ground floor will have a business center and back of house hotel uses. The Residence Inn will provide a separate hearth and breakfast area/buffet for guests, as well as a small market. These will be oriented toward the internal courtyard as they will have access restricted to Residence Inn guests. The ground floor will also include retail space accessed from 9<sup>th</sup> Street, N.W. This retail

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- space as well as the public bar and restaurant will all be located in the historic 9<sup>th</sup> Street structures, which will be renovated and incorporated into the new construction.
25. The second floor of the hotel will include seven separate meeting rooms, three hospitality suites, a boardroom, pre-function, and back of house spaces. The boardroom, three hospitality suites, and three meeting rooms will be located in historic structures. Floors 3-12 will house the hotel guest rooms. An internal court is located in the center of the building and will include turf with lounge seating, wood plank pavers and benches, landscaped areas, a fire pit, a water feature, and an optional yoga deck. The building will also incorporate an outdoor terrace at the fourth level of the hotel, which will provide lounge seating nooks and benches, ornamental grasses and perennial banding, wood plank paving, and a water feature, for use and enjoyment by hotel guests. Rooftop amenities will be provided, as well. The overall streetscape at the ground level will incorporate linear paving and lighting, landscaped areas with ornamental fencing, new and existing street trees, lighted bollards, and new pedestrian-oriented sidewalk furniture.
  26. Below-grade parking for hotel guests will be accessed from the new access easement from 9<sup>th</sup> Street and will accommodate approximately 149 parking spaces (including vault and valet spaces) on two levels. Loading will be provided on the ground level, accessed from either the same alley or the north-south alley at M Street.
  27. The residential portion of the building is located on the western side of the Property. The new apartment building will rise to a height of 110 feet and will include approximately 203 units comprised of studios, one- and two-bedroom units on floors 2-12. The existing 52-foot tall brick apartment building facing south onto L Street (the "Lurgan Building") will be retained, preserved and converted into 18 residential units, with two units in the basement, two units on the ground floor, and four units on floors 2-4. The ground floor of the main residential portion of the building will include a lobby accessed from L Street, an exercise room, and a mail room. Below-grade residential parking will be accessed from the alley to the west of the Property and will contain approximately 105 parking spaces (including vault spaces) for residential use.
  28. The project shall be designed to meet a LEED-Silver rating, and the Applicant will register to obtain the certification from the United States Green Building Council.

### **Historic Preservation**

29. The project calls for demolition of 913 L Street, retention and relocation of the front half of 911 L Street, retention of the Lurgan Building on L Street, and removal of the rear portions of the six buildings along 9<sup>th</sup> Street. The proposal includes many design aspects that successfully integrate the historic structures with the new construction, including significant setbacks along 9<sup>th</sup> Street.



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### Zoning Flexibility Requested

30. The Applicant requested flexibility to allow a roof structure not meeting the one-to-one setback requirements of § 770.6(b) in order to accommodate the necessary mechanical equipment for the building. Due to historic preservation constraints, the hotel portion of the new construction is set back more than 47 feet from 9<sup>th</sup> Street and has a very narrow penthouse. If the Applicant were required to set back the penthouse on both the east and west sides of the hotel, only 27 feet would remain to house the cooling towers and other mechanical equipment, which is inadequate for the hotel needs. The equipment cannot be shifted to the north bar of the penthouse along the alley because it will block key rooftop views of the residents of the adjacent Whitman Condominium. The Whitman condominium supported the PUD partly because key viewsheds would be maintained. In response to comments raised by the Commission during proposed action on the PUD, the Applicant successfully set back the penthouse from all other exterior walls of the building and courtyard; only in this one area is the penthouse not set back. Based on the sightlines submitted to the record, this portion of the penthouse will be only slightly perceptible from the street, but for the most part will be blocked by the Flemish gable of the Lurgan Building. Consequently, the Commission finds this minor deviation from the setback requirements to be appropriate.
31. The Applicant also requested flexibility to allow certain rooftop safety guardrails not to be set back the full distance equal to their height at the west wall of the residential building. The guardrails are 42 inches in height above the mechanical plinth, which is three feet, 11 inches, in height, thus necessitating a setback of 7.4 feet. (See Views 3 and 4 on Sheet A-216, Ex. 66B.) A portion of the guardrail is located along an interior lot line and thus does not require a setback. The north portion of the guardrail, however, overlooks the court area created by the new access easement, as shown on the supplemental drawings submitted after proposed action, and does require a setback. Because guardrails are not governed by the 1910 Height Act and the proposed railings are not visible at any point from the street, the Commission also finds the relief to be appropriate.
32. The Commission likewise finds the deviations requested by the Applicant from the court requirements to be acceptable in order to allow the Applicant to integrate the new construction around the historic structures. The area and width of the existing nonconforming interior court at the Lurgan Building may be reduced to accommodate an air intake shaft of the ground floor. Similarly, the width of the open court above the retained and relocated 911 L Street, N.W., may be reduced to create an appropriate backdrop for this historic structure. Finally, minor deviations from the court requirements in the area above the alley easements to be dedicated for public access on the west of the Property are necessary for the enhanced circulation of the Property and will not compromise the light and air of residents.
33. The Applicant also sought relief from the parking requirements. Under § 2120.3, approximately 139 spaces are required for the hotel uses, and approximately 45 spaces

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are required for the residential uses, generating a total requirement for 185 parking spaces. The Applicant proposes to provide 191 zoning compliant spaces, 99 of which will be devoted to hotel uses and 92 of which will be devoted to residential uses. Additionally, the Applicant will provide 50 vault and valet spaces for the hotel, and 14 vault and valet spaces for the residential uses. The Commission finds the parking ratios for each use to be adequate and acceptable.

34. Finally, the Applicant requested flexibility to reduce the number of required loading facilities and instead provide two berths at 45 feet deep and a service/delivery space at 25 feet deep for the hotel; and two loading berths at 30 feet deep for the residential building. Based on the expert report of the transportation engineer and the DDOT report, the Commission finds the deviation to be acceptable.
35. The Applicant also requests flexibility in the following areas:
  - a. To increase the interior area of the rooftop penthouses devoted to accessory communal recreational space and fitness center to 36.5% of the total rooftop recreation space;
  - b. To provide a range in the number of residential and hotel units of plus or minus 10% from the number shown on the Plans;
  - c. To vary the sustainable design features of the building, provided the total number of LEED points achievable for the project does not decrease below the LEED Silver rating under the LEED 2009 for New Construction and Major Renovations rating standards;
  - d. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
  - e. To vary the final selection of the exterior building materials and public space materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make refinements to exterior details and dimensions, including curtainwall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code, to comport with final design comments from the Historic Preservation Review Board, the DDOT Public Space Committee, or that are otherwise necessary to obtain a final building permit;
  - f. To vary the selection of plantings in the landscape plan depending on seasonal availability within a range and quality as proposed in the plans;

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- g. To vary the final selection of all exterior signage on the building; and
- h. To vary the location and design of the ground floor components of the building in order to comply with any applicable District of Columbia laws and regulations, including those of the D.C. Department of Health, that are otherwise necessary for licensing and operation.

### **Project Benefits and Amenities**

- 36. Urban Design, Architecture, Landscaping and Open Space - § 2403.9(a): The project implements a number of urban design and architectural best practices, which will contribute to the ongoing development of the Mount Vernon Square neighborhood as a major mixed-use district within the city. The construction of a new building with hotel and residential uses will provide a formal presence at the corner of 9<sup>th</sup> and L Streets, N.W. The architectural design and elements of the project will reflect an appropriate level of modernity while respecting the traditional Washington, D.C. architecture and highlighting the existing historic structures. The building façades will have articulations that break up the massing of the building, similar to the Convention Center, so as to not overwhelm the existing urban scale and aesthetic. High-quality exterior building materials will enhance the urban building fabric, and high-quality landscape materials, patterns, and pedestrian-oriented lighting and street fixtures will improve the streetscape surrounding the project. Glass exposure at the street level, coupled with the preservation of the existing historic structures along 9<sup>th</sup> Street, N.W., will animate the streets and enliven the area with new residents and visitors to the Mount Vernon Square/Shaw neighborhood. All four elevations of the building will be fully articulated in deference to the historic district and adjacent residents within the square.
- 37. Site Planning and Efficient and Economical Land Utilization - § 2403.9(b): The design of the proposed PUD provides several examples of exemplary site planning and efficient and economical land utilization. The building will incorporate a ground floor interior courtyard, which will include artificial turf with lounge seating, wood plank pavers and benches, landscaped areas with a green wall, a fire pit, a water feature, and an optional yoga deck. The building will provide an outdoor terrace at the fourth level of the hotel, which will include lounge seating nooks and benches, ornamental grasses and perennial banding, wood plank paving, and a water feature. The residential portion of the building will have a roof-top communal recreation space and pool deck with a grill area, lounge seating, a fire pit, and chess board turf. The overall streetscape at the ground level will incorporate linear paving and lighting, landscaped areas with ornamental fencing, new and existing street trees, and lighted bollards. Furthermore, traffic impacts will be mitigated, since access to the parking garage and loading facilities will be located from public alleys to the north and west of the Property. Hotel drop off and pickup, including buses and taxis will be accommodated in a layby located on L Street, N.W., thus minimizing conflict on 9<sup>th</sup> Street, N.W.

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38. Historic Preservation of Private or Public Structures, Places, or Parks – § 2403.9(d): The Applicant’s Project seamlessly integrates eight existing historic structures into the design and program of the new construction. The PUD will highlight the historic nature of the existing structures, as well as their street presence, and will preserve and protect the salvageable portions of the deteriorated historic buildings.
39. Housing and Affordable Housing – § 2403.9(f): The Applicant proposes to provide 222,027 square feet of gross floor area devoted to residential uses comprised of 203 new residential units, including studios, one- and two- bedroom apartments. The Project would be located in the Mount Vernon Square neighborhood, which is a Housing Priority Area as provided by § 1706.8. The Project’s residential component would help accomplish the balanced mixture of uses essential to a "Living Downtown". Further, the historic Lurgan apartment building would be retained and used for residential units. Additionally, although properties in the DD Overlay are specifically exempt from the Inclusionary Zoning requirements of Chapter 26, the Applicant has nevertheless committed to include an affordable housing component in the project. For a period of five years, or longer as specified herein, the Applicant shall provide a total of four units in the Lurgan Apartment Building at 919 L Street, N.W. to households earning no more than 80% of the area mean income for the Washington Metropolitan Statistical Area. The units designated for affordable housing shall be two one-bedroom units and two studio units (L-001 through L-004). The five-year period will begin upon the issuance of the certificate of occupancy for the Lurgan Building. At the conclusion of the five-year period, a qualifying tenant in possession of the affordable unit may continue occupancy at the affordable rate until the tenant vacates the unit or is no longer able to meet its rent or lease obligations. The affordability rate will be based on a qualifying household devoting no more than 30% of its income to rent.
40. Employment and Training Opportunities. The project is expected to create 170 full time permanent jobs and 450 full-time temporary construction jobs. (Ex. 50E.) The Applicant will seek qualified applicants residing in the District of Columbia from the Department of Employment Services (“DOES”) for the temporary construction jobs and permanent hotel jobs created the PUD.
41. Use of Special Value to the Neighborhood or the District as a Whole - § 2403.9(i): The proposed PUD will be of special value to the District by (i) providing lodging and conference facilities and other ancillary meeting space to support the Washington Convention Center, (ii) providing additional lodging options that support the District's hospitality and tourism industry, (iii) constructing a substantial amount of new, high-density housing, and (iv) preserving and incorporating eight historic structures into the design and program of the proposed building. The project also has special value to the Mount Vernon Square/Shaw neighborhood because it will replace an underutilized site and abandoned buildings with an exemplary, well-designed convention hotel and apartment house that promotes the continued redevelopment of this segment of the

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District. In addition, the restaurant and bar at the ground floor of the hotel will provide services to the neighborhood and enliven the streetscape.

42. Financial Contributions to Community Organizations. The Applicant will make the following financial contributions to community organizations to support efforts to enhance the neighborhood and residential activities:
- a. *Friends of Gompers Park* – The Applicant will contribute \$20,000 to this organization to help fund the following improvements to Gompers Park located at 10<sup>th</sup> and L Streets, N.W.: the refurbishment of the grass turf (removal of existing turf, regrading for property drainage, installation of new sod and maintenance), and refurbishment of the flower beds (recreate historic flower beds, amend soil, install metal bed edging, install annuals);
  - b. *Friends of 10<sup>th</sup> Street Park* – The Applicant will contribute \$20,000 to this organization, to help fund the following improvements to 10<sup>th</sup> Street Park located in Square 369: park maintenance and new plantings, community bulletin board, additional seating, repair/replacement of light bollard, additional seating, and improvements to soft-play surface; and
  - c. *Thomson Elementary Parent-Teacher Association* – The Applicant will contribute \$5,000 to this organization for the purchase of Imagination Playground Blocks, a nationally recognized educational tool for igniting cognitive development through unstructured play, for use by students at Thomson Elementary School, 1200 L Street, N.W.
43. The Applicant also stated that it would abide by the construction management plan submitted into the record. (Ex. 63C.)
44. The Commission finds that the benefits and amenities package is commensurate with the level of flexibility requested. Each proffered category is at a minimum acceptable, but the benefits and amenities are particularly superior in the categories of urban design, architecture, and historic preservation.
45. The Commission further finds that the impacts of the project are favorable, capable of being mitigated or acceptable, in compliance with § 2403 of the PUD regulations. The construction of the new hotel and residential building, which incorporates eight historic buildings into the design, provides efficient use of land compatible with uses of the surrounding property. The project does not cause any adverse traffic impacts and provides sufficient parking to meet demand, as confirmed by the reports of Gorove/Slade Associates and DDOT. The proposed height is consistent with other existing buildings in the vicinity. The conceptual approval from the Historic

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Preservation Review Board assures that the design will be of high quality and not incompatible with the character of the Shaw Historic District.

### Comprehensive Plan

46. The Future Land Use Map of the Comprehensive Plan designates the Property for High Density Residential and High Density Commercial land uses. The proposed development is consistent with that designation. The Property is designated as a Land Use Change Area and a Neighborhood Conservation Area on the District of Columbia Comprehensive Plan Generalized Policy Map. The proposed development furthers numerous policies and objectives of the Comprehensive Plan, as discussed below.
47. Policy H-1.1.3 - Balanced Growth - The project supports Policy H-1.1.3 by creating housing on vacant and underutilized land in the city and by helping to ensure that the city meets its long-term housing needs, including the need for higher-density housing.
48. Policy H-1.1.4 - Mixed Use Development - In accordance with Policy H-1.1.4, the project will help to promote mixed use development, including housing, on commercially zoned land in a neighborhood commercial center that is well served by public transportation.
49. Policy H-1.1.6 - Housing in the Central City - The PUD will support this policy by absorbing a substantial component of the demand for new high-density housing in Central Washington and by creating a mixed-use neighborhood to conserve single-family residential neighborhoods throughout the city. Mixed income, higher density downtown housing will create vibrant street life to support the restaurants, retail, entertainment, and other amenities that are desired and needed in the heart of the city.
50. Policy ED 1.1.1 - Core Industries - The PUD will support Policy ED 1.1.1 by supporting and growing the District's core industries, including hospitality.
51. Policy ED 2.3.1 - Growing the Hospitality Industry - Consistent with Policy ED 2.3.1, the PUD will help to develop an increasingly robust tourism and convention industry. The hotel will allow more visitors to stay overnight in the District rather than in suburban hotels, and to stay for longer periods of time. The Property will become a preferred base for tourists to explore the city's attractions, as well as a preferred overnight base for visiting regional attractions.
52. Policy ED 2.3.4 - Lodging and Accommodation - The PUD will support Policy ED 2.3.4 by developing two new hotel typologies serving travelers of varying needs, tastes, and budgets. This policy also encourages new hotels within Central Washington.
53. Policy HP 2.4.1 - Rehabilitation of Historic Structures - The PUD promotes Policy HP 2.4.1 by preserving the eight historic buildings through an effective design review

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process. The Applicant will apply design guidelines without stifling creativity, allowing for a new development project that achieves an appropriate balance between restoration and adaptation that is suitable for the Property.

54. Policy HP 2.4.3 - Compatible Development - Consistent with this policy, the Applicant will preserve the important historic features of the existing structures on the Property while constructing compatible new infill development. The Applicant will preserve the established form of development, while ensuring that new construction, repair, maintenance, and improvements are in scale with and respect the historic context through sensitive siting and design and the appropriate use of materials and architectural detail.
55. Policy HP 2.4.5 - Protecting Historic Building Integrity - The PUD supports this goal by protecting the historic buildings on the Property from demolition and protecting their integrity as whole buildings. The project will not incorporate treatments such as facadism or relocation. The project will also remedy the deteriorated condition that currently characterizes these resources.
56. Near Northwest Area Element. The PUD is consistent with many of the policies of the Near Northwest Area Element. For example, Policy NNW 1.1.4 - Neighborhood Commercial Revitalization, calls for the improvement of the neighborhood shopping areas along 9<sup>th</sup> Street, N.W. (among other streets), and Policy NNW 2.1.5 - 7<sup>th</sup> and 9<sup>th</sup> Street Corridors, encourages the location of retail development within the Shaw/Convention Center Area in a manner that best serves residents, creates the best environment for businesses to succeed, and uses land already zoned for commercial uses. The 7<sup>th</sup> and 9<sup>th</sup> Street corridors should attract convention-goers, residents, and visitors, and should include both new and existing businesses. Consistent with these goals, the new PUD will include residential, hotel, and retail space that will improve the neighborhood shopping area along 9<sup>th</sup> Street, N.W. and improve the pedestrian experience. The PUD will serve residents within the building and in the surrounding neighborhood, will create an excellent environment for businesses to succeed, and will attract all types of residents and visitors to the area.

### Office of Planning Report

57. By report dated January 19, 2015, OP recommended approval of the proposed PUD and related Zoning Map amendment. In its report, OP stated that the proposal would particularly further the Land Use, Housing, Economic Development, Environmental Protection, Historic Preservation, and Urban Design Citywide Elements, as well as the Near Northwest Area Elements and policies.
58. By report dated March 24, 2015, OP commented on the changes the Applicant made to the design of the Project's roof structures. (Ex. 70.) The report stated that OP had reviewed the Project's roof structures as they were revised by the Applicant after the Commission took proposed action, consulted with the Zoning Administrator, and

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concluded that the revised roof structures (shown in Ex. 66B) were consistent with the Zoning Regulations and the Height of Buildings Act of 1910.

### **DDOT Report**

59. By report dated January 20, 2015, DDOT stated it had no objection to the Applicant's request for a PUD and related map amendment provided the following conditions were met: (i) install a minimum of 67 long-term and 10 short-term bicycle spaces for the residential building; (ii) install a minimum of 15 long-term spaces and six short-term bicycle racks for the proposed hotel and retail uses; (iii) install a Transit Screen in each residential and hotel lobby; (iv) become a Hotel Partner or Corporate Member of Capital Bikeshare; (v) provide a one-time Capital Bikeshare membership or carshare membership at initial lease and/or sale of each residential unit; (vi) unbundle parking costs from the price of all commercial and residential leases; and (vii) provide shower and changing facilities for hotel staff. The Applicant agreed to these additional measures at the hearing.

### **ANC 2F Report**

60. By report dated January 29, 2015, ANC 2F recommended approval of the PUD and related map amendment. It noted that the proposed development provides important public benefits and the impacts of the project on the surrounding area are all either favorable, to be mitigated, or acceptable given the quality of public benefits in the project. In addition to the other community benefits identified in the application, the ANC supported the specific community benefits that included a \$20,000 donation to Friends of Gompers Park for park maintenance and improvement, \$20,000 to Friends of Gompers Park for park maintenance and improvement, and \$5,000 to Thomson Elementary Parent-Teacher Association for student equipment.

### **Persons in Opposition**

61. Alex Padro of Shaw Main Streets testified in opposition to the Applicant's proffered benefits, stating that the Applicant is not to be trusted in its present commitments because a related entity of the Applicant failed to meet its obligations under the PUD for the Marriott Marquis in Square 370 immediately to the south. According to Mr. Padro, the Applicant's related entity did not make its promised contributions to several non-profit organizations in Z.C. Case No. 08-13. The Applicant directly refuted these claims and provided evidence in the record demonstrating that related entity made the full \$50,000 contribution as required under the conditions of Z.C. Order No. 08-13. (Ex. 63F.) The Commission credits the testimony and evidence of the Applicant, finds that all required contributions were made, and find that there is no evidence in the record to suggest that the Applicant or any related entity has failed to honor its commitments.



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### CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality development that provides public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project “offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience.” (11 DCMR § 2400.2.)
2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, density, lot occupancy, parking, loading, yards, and courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. Development of the property included in this application carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned developments, which will offer a project with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
4. The PUD complies with the development standards of the Zoning Regulations. The hotel, retail, and residential uses for this project are appropriate for the Property. The impact of the Project on the surrounding area and the operation of city services is acceptable, given the quality of the public benefits in the project. Accordingly, the project should be approved.
5. The application can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.
6. The Applicant’s request for flexibility from the Zoning Regulations is not inconsistent with the Comprehensive Plan. The Commission also concludes that the project benefits and amenities are reasonable trade-offs for the requested development flexibility in accordance with §§ 2400.3 and 2400.4.
7. Approval of this PUD is appropriate because the proposed development is consistent with the present character of the area, and is not inconsistent with the Comprehensive Plan. In addition, the proposed development will promote the orderly development of the Property in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.

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8. The proposal to rezone the Property from the DD/C-2-A and DD/C-2-C to the DD/C-2-A and DD/C-3-C Zone District is not inconsistent with the Property's designation on the Future Land Use Map and the Generalized Policy Map.
9. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)), to give great weight to OP recommendations. The Commission carefully considered the OP report and, as explained in this decision, finds its recommendation to grant the applications persuasive.
10. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to the issues and concerns raised in the written report of the affected ANC. The Commission has carefully considered the ANC 2F's recommendation for approval and concurs in its recommendation.
11. The application for a PUD is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

### **DECISION**

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the application for consolidated review and approval of a planned unit development and related map amendment from the DD/C-2-A and DD/C-2-C Zone Districts to the DD/C-2-A and DD/C-3-C Zone District for the Property located at Lots 40, 62, 65- 67, 801-805, 838, 839, 842, 848, 859, 878, and portions of two public alleys to be closed in Square 369, as delineated on the rezoning plan attached to the drawings as Sheet A-004. The approval of this PUD is subject to the guidelines, conditions and standards set forth below.

#### **A. Project Development**

1. The PUD shall be developed in accordance with the plans and materials submitted by the Applicant, dated January 9, 2015, and marked as Exhibit 50A in the record, as supplemented by Exhibits 59A, 63A, and 66B ("Plans"), and as modified by the guidelines, conditions and standards of this Order.
2. In accordance with the plans, the PUD shall be a mixed-used project consisting of approximately 582,822 square feet of gross floor area. Approximately 360,315 square feet of gross floor area will be devoted to hotels with accessory retail/service uses, and approximately 222,507 square feet of gross floor area will be devoted to residential uses. The PUD shall have a maximum aggregate density of 8.23 FAR and a maximum height of 110 feet.

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3. The hotel component of the PUD shall provide 99 zoning-compliant vehicle parking spaces, and may provide an additional 50 valet and vault spaces, as shown on Exhibits 59A and 59B (Sheets A-003A, A-201 and A-202). The residential component of the PUD shall provide 92 zoning-compliant vehicle parking spaces, and may provide an additional 14 valet and vault spaces, as shown on as shown on Exhibits 59A and 59B (Sheets A-003A, A-201 and A-202).
4. The Applicant shall have zoning flexibility with the PUD in the following areas:
  - a. To vary the number, location and arrangement of parking spaces shown on Exhibits 59A and 59B, provided that parking shall be provided for no fewer than 185 vehicles;
  - b. To reduce the required amount of loading facilities and instead provide two berths at 45 feet deep and a service/delivery space at 25 feet deep for the hotel; and two loading berths at 30 feet deep for the residential building;
  - c. To reduce the width and area requirements for the courts located within the Lurgan Building, above the relocated historic building known as 911 L Street, and along the western property line above the public easement area;
  - d. To set back the mechanical penthouses and rooftop safety railings a distance less than their height, all as shown on Exhibit 66B;
  - e. To increase the interior area of the rooftop penthouses devoted to accessory communal recreational space and fitness center to 36.5% of the total rooftop recreation space;
  - f. To provide a range in the number of residential and hotel units of plus or minus 10% from the number shown on the Plans;
  - g. To vary the sustainable design features of the building, provided the total number of LEED points achievable for the project does not decrease below the LEED Silver rating under the LEED 2009 for New Construction and Major Renovations rating standards, and the Applicant will register to obtain the LEED Silver certification from the United States Green Building Council;
  - h. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;

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- i. To vary the final selection of the exterior building materials and public space materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make refinements to exterior details and dimensions, including curtainwall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code, to comport with final design comments from the Historic Preservation Review Board, the DDOT Public Space Committee, or that are otherwise necessary to obtain a final building permit;
- j. To vary the selection of plantings in the landscape plan depending on seasonal availability within a range and quality as proposed in the plans;
- k. To vary the final selection of all exterior signage on the building; and
- l. To vary the location and design of the ground floor components of the building in order to comply with any applicable District of Columbia laws and regulations, including the D.C. Department of Health, that are otherwise necessary for licensing and operation.

**B. Public Benefits**

1. Historic Preservation. The Applicant shall retain and rehabilitate eight of the nine historic buildings on the Property, consistent with the approved Plans.
2. Affordable Housing. **For a period of five years**, the Applicant shall reserve a total of four units in the Lurgan Apartment Building at 919 L Street, N.W. to households of one or more individuals with a total annual income adjusted for household size equal to between 51% and 80% of the Washington Metropolitan Statistical Area median. The units designated for affordable housing shall be two one-bedroom units and two studio units (L-001 through L-004). **The five-year period will begin upon the issuance of the certificate of occupancy for the Lurgan Building**. At the conclusion of the five-year period, a qualifying tenant in possession of the affordable unit may continue occupancy at the affordable rate until the tenant vacates the unit or is no longer able to meet its rent or lease obligations. The affordability rate will be based on a qualifying household devoting no more than 30% of its income to rent. The Zoning Administrator shall not approve an application for a certificate of occupancy for the PUD unless the Applicant has executed monitoring and enforcement documents with the District of Columbia, consistent with § 2409.10 of the regulations.
3. Transportation Demand Management ("TDM") Measures. **Prior to issuance of the certificate of occupancy for the hotel or residential building**, the Applicant shall

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- implement the following TDM measures at the PUD, as applicable to the separate uses:
- a. Identify a TDM Leader, who will print materials related to local transportation alternatives available to residents and employees upon request and at move-in for new tenants;
  - b. Install a minimum of 67 long-term and 10 short-term bicycle spaces for the residential building;
  - c. Install a minimum of 15 long-term spaces and six short-term bicycle racks for the proposed hotel and retail uses;
  - d. Install a transit screen in each residential and hotel lobby;
  - e. Dedicate one space on site for a car-sharing services with right of first refusal;
  - f. Become a Hotel Partner or Corporate Member of Capital Bikeshare;
  - g. Provide a one-time Capital Bikeshare membership or carshare membership for the first lease and/or sale of each residential unit;
  - h. Unbundle parking costs from the price of all commercial and residential leases; and
  - i. Provide shower and changing facilities for hotel staff.
4. LEED Qualification: The PUD shall be designed to meet a LEED-Silver rating, and the Applicant shall register to obtain the certification from the United States Green Building Council.
5. Contributions to Community Organizations: **Prior to issuance of the building permit**, the Applicant shall contribute funds to the following community organizations to support their efforts as described below. The Applicant shall provide proof to the Zoning Administrator that the items or services funded have been or are being provided in order to obtain the building permit:
- a. *Friends of Gompers Park* – The Applicant shall contribute \$20,000 to this organization to help fund the following improvements to Gompers Park located at 10<sup>th</sup> and L Streets, N.W.: the refurbishment of the grass turf (removal of existing turf, regrading for property drainage, installation of new sod and maintenance), and refurbishment of the flower beds (recreate historic flower beds, amend soil, install metal bed edging, install annuals);
  - b. *Friends of 10<sup>th</sup> Street Park* – The Applicant shall contribute \$20,000 to this organization, to help fund the following improvements 10<sup>th</sup> Street Park located in Square 369: park maintenance and new plantings, community bulletin board, additional seating, repair/replacement of light bollard, additional seating, and improvements to soft-play surface; and

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- c. *Thomson Elementary Parent-Teacher Association* – The Applicant shall contribute \$5,000 to this organization for the purchase of Imagination Playground Blocks, a nationally recognized educational tool for igniting cognitive development through unstructured play, for use by students at Thomson Elementary School, 1200 L Street, N.W.
6. Employment for District Residents. The Applicant will seek qualified applicants residing in the District from the Department of Employment Services (“DOES”) for the temporary construction jobs and permanent hotel jobs created the PUD. **Prior to issuance of the certificate of occupancy for the hotel or residential portion of the building**, the Applicant shall provide evidence to the Zoning Administrator of its efforts to employ District residents.

C. **Miscellaneous**

1. No building permit shall be issued for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Division of the Department of Consumer and Regulatory Affairs. Such covenant shall bind the Applicant and all successors in title to construct and use the property in accordance with this order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.
2. The PUD shall be valid for a period of two years from the effective date of Zoning Commission Order No. 14-09. Within such time, an application must be filed for a building permit for the construction of the project as specified in 11 DCMR § 2409.1. Construction of the project must commence within three years of the effective date of Zoning Commission Order No. 14-09. The Applicant shall have the right to proceed with matter-of-right development at its election.
3. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (“Act”) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure

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or refusal of the Applicant to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

On February 23, 2015, upon the motion of Chairman Hood, as seconded by Commissioner Miller, the Commission approved the application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

On March 30, 2015, upon the motion of Commissioner, as seconded by Chairman Hood, the Commission **ADOPTED** this Order at its public meeting by a vote of **4-1-0** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt; Marcie I. Cohen, opposed).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the D.C. Register; that is on May 1, 2015.

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