



District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 20-528, Early Learning Quality Improvement Network Emergency Amendment Act of 2014
- Executive Office of the Mayor re-designates the Mayor’s Youth Leadership Institute as the Marion Barry Youth Leadership Institute
- Department of Consumer and Regulatory Affairs publishes amendments to the D.C. Construction Codes of 2013
- Office of the Chief Financial Officer announces increases in the 2015 Standard and Homestead deductions and Personal Exemption
- Taxicab Commission introduces a new class of public vehicle-for-hire service called the “private sedan service”
- Taxicab Commission establishes the District of Columbia Taxicab Industry Co-op to manage the DC TaxiApp
- District Department of the Environment announces funding availability for the Lead Poisoning Outreach Coordination Project

DISTRICT OF COLUMBIA REGISTER

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CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. ACTS

A20-528 Early Learning Quality Improvement Network Emergency Amendment Act of 2014 [B20-1008]..... 000001 - 000003
A20-529 Education Licensure Commission Emergency Amendment Act of 2014 [B20- 1010]..... 000004 - 000006
A20-530 Conversion Therapy for Minors Prohibition Amendment Act of 2014 [B20- 501]..... 000007 - 000008
A20-531 Wage Transparency Act of 2014 [B20-757] 000009 - 000011
A20-532 DC Rocks, So We Need One Act of 2014 [B20- 829] 000012 - 000013
A20-533 D.C. No Taxation Without Representation Way Designation Act of 2014 [B20- 831]..... 000014 - 000015
A20-534 Criminalization of Non-Consensual Pornography Act of 2014 [B20- 903]..... 000016 - 000018
A20-535 Dedication of a Public Alley in Square 752, S.O. 14-15491, Act of 2014 [B20- 907]..... 000019 - 000020
A20-536 Grandparent Caregivers Program Subsidy Transfer Temporary Amendment Act of 2014 [B20- 993] 000021 - 000024

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

Notice of Intent to Act on New Legislation -

Proposed Resolution PR20-1217, Taxicab Vehicle License Quota Regulation Approval Resolution of 2014000025

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage Regulation Administration -

Burger Tap - ANC 3E - New000026
Chaplin - ANC 6E -Entertainment Endorsement - RESCIND000027
Fig & Olive - ANC 2C - New.....000028
Mercadito - ANC 2F - New000029

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PUBLIC HEARINGS CONT'D

Alcoholic Beverage Regulation Administration – cont'd

OutpostDC - ANC 6E - New000030
 Southwest Flippin Pizza - ANC 6D - New000031
 Thai Pad - ANC 3F - New000032
 West Wing Café - ANC 2A - New000033
 White Apron Specialty Sandwiches - ANC 2C - New000034

Historic Preservation Review Board -

2015 Landmark and historic designation
 public hearing schedule 000035 - 000037

Zoning Adjustment, Board of - March 10, 2015 Hearings -

18911 Potomac Electric Power Company - ANC-6D 000038 - 000040
 18935 Sonja Sweek - ANC-6B 000038 - 000040
 18940 H Street Legacy, LLC - ANC-6A 000038 - 000040
 18941 Thomas and Patty Johnson - ANC-3F 000038 - 000040
 18944 Michael Reitz - ANC-1A 000038 - 000040

Zoning Commission - Case -

14-22 Text and Map Amendment to Create and
 Implement the Walter Reed (WR) Zone 000041 - 000102

FINAL RULEMAKING

Consumer and Regulatory Affairs, Dept. of -

Amend 12 DCMR (D.C. Construction Codes of 2013),
 Subtitle A (Building Code Supplement of 2013),
 Ch. 1 (Administration and Enforcement), Sec. 106, Sec. 110
 Ch. 4 (Special Detailed Requirements Based on Use and
 Occupancy), Sec. 403
 Ch. 32 (Encroachments into the Public Right-of-Way
 Sec. 3202 and
 Appendix N (Signs).....000103 - 000118

Subtitle F (Plumbing Code Supplement of 2013),
 Ch. 3 (General Regulations), Sec. 305
 Ch. 6 (Water Supply And Distribution), Sec. 603,
 Ch. 7 (Sanitary Drainage), Sec. 701000103 - 000118

Subtitle G (Property Maintenance Code Supplement of 2013),
 Ch. 3 (Requirements), Sec. 310 (Carbon Monoxide Alarms)
 Ch. 7 (Fire Safety Requirements), Sec. 704000103 - 000118

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

FINAL RULEMAKING CONT'D

Consumer and Regulatory Affairs, Dept. of - cont'd
 Amend 12 DCMR (D.C. Construction Codes of 2013),
 Subtitle H (Fire Code Supplement of 2013),
 Ch. 1 (Administration And Enforcement), Table 105.6.20,
 Ch. 3 (General Requirements), Sec. 304.1.2 (Vegetation)
 Ch. 5 (Fire Service Features), Sec. 510 (Emergency
 Responder Radio Coverage),
 Ch. 11 (Construction Requirements For Existing Buildings,
 Sec. 1103000103 - 000118

Subtitle K (Green Building Code Supplement of 2013),
 Ch. 3 (Green Building Act and Ashrae 189.1),
 Sec. 302 (Green Building Act Requirements)
 Ch. 5 (Material Resource Conservation And Efficiency),
 Sec. 507 (Building Envelope Moisture Control000103 - 000118

Taxicab Commission, DC - Amend 31 DCMR (Taxicabs
 and Public Vehicles for Hire), Ch. 5 (Taxicab Companies,
 Associations and Fleets), Sec. 500 (Application and Scope) and
 Sec. 504 (Modern Taxicab Associations), Ch. 6 (Taxicab Parts and
 Equipment), Sec. 609 (Age of Taxicab), Ch. 10 (Public Vehicles
 For Hire), Sec. 1001 (Eligibility for a Hacker’s License), and
 Sec. 1010 (Issuance of Vehicle Licenses to Owners of Public
 Vehicles For Hire), and Ch. 99 (Definitions), to create new incentives and
 requirements for adding wheelchair-accessible and fuel
 efficient vehicles to taxicab fleets000119 - 000133

Taxicab Commission , DC - Amend 31 DCMR (Taxicabs and
 Public Vehicles for Hire), Ch. 12 (Luxury Services – Owners,
 Operators and Vehicles), Sections 1200, 1201, 1203, 1204,
 1205, 1206, 1213, 1220, and Ch. 99 (Definitions)
 to create a regulatory framework for a new class of public
 vehicle-for-hire service to be called “private sedan service”000134 - 000139

Taxicab Commission , DC - Amend 31 DCMR (Taxicabs and
 Public Vehicles for Hire), to adopt Ch. 14 (Operation of
 Black Cars and Private Sedans) to create a regulatory
 framework for a new class of public vehicle-for-hire
 service to be called “private sedan service000140 - 000146

Taxicab Commission, DC – Amend 31 DCMR (Taxicabs
 and Public Vehicles for Hire), Ch. 16 (Dispatch Services)
 and Ch. 99 (Definitions), to propose the establishment of
 the District of Columbia Taxicab Industry Co-op to manage
 the DC TaxiApp.....000147 - 000153

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PROPOSED RULEMAKING

Zoning Commission – Case No. 14-10 to Amend
 11 DCMR (Zoning), Ch. 7 (Commercial Districts),
 §§ 721, 735, 736, 737, 738, and 739 and
 Ch. 8 (Industrial Districts), Sec. 801 and 802 to clarify
 Rules regarding animal boarding, pet grooming, pet shop,
 veterinary boarding hospital, and animal shelter.....000154 - 000165

NOTICES, OPINIONS, AND ORDERS

MAYOR’S ORDERS

- 2014-337 Registration of the Southwest Business Improvement District 000166
- 2014-338 Re-Designation of the Mayor’s Youth Leadership Institute
as the Marion Barry Youth Leadership Institute.....000167 - 000168
- 2014-339 Appointment – District of Columbia Workforce
Investment Council (Richard Davis)..... 000169
- 2014-340 Appointment – District of Columbia Commission for
National and Community Service (Christopher Murphy)..... 000170
- 2014-341 Reappointments and Appointment – Interagency Council on
Homelessness (Cheryl Barnes, Chapman Todd,
Robert Scott Mcneilly and Michael Coleman).....000171 - 000172
- 2014-342 Appointments – United Planning Organization
Board of Directors (Barbara Lankster and
Jeffrey Richardson)..... 000173
- 2014-343 Delegation of Authority to the Director of the
District Department of Transportation – Washington
Metropolitan Area Transit Authority Safety Regulation
Act of 1997 (Mass Transit—Rail Fixed Guideway
System—Agreement with Virginia and Maryland) 000174
- 2014-344 Delegation of Authority to the Deputy Mayor for Planning
and Economic Development to Execute Certain Documents
with Respect to District owned real property located at
125 O Street, S.E. and 1402 1st Street, S.E. and
known for tax and assessment purposes as a portion
of Lot 0805 in Square 744S and a portion of Lot
0801 in Square 744SS (collectively, the “Property”).....000175 - 000176

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Alcoholic Beverage Regulation Administration -

ABC Board's Calendar - January 7, 2015000177 - 000179

ABC Board's Investigative Agenda - January 7, 2015.....000180 - 000181

ABC Board's Legal Agenda - January 7, 2015000182 - 000183

ABC Board's Licensing Agenda - January 7, 2015.....000184 - 000186

Chief Financial Officer, Office of the -

Office of Revenue Analysis - Notice of Increases in the 2015
Standard Deduction, Personal Exemption, Homestead
Deduction, Trash Collection Credit and Senior/Disabled
Income Threshold.....000187 - 000188

Education, Office of the State Superintendent of -

Education Licensure Commission - 2015 Meeting
Schedule000189 - 000191

Environment, District Department of the -

Funding Availability - Grants for the Lead
Poisoning Outreach Coordination Project.....000192 - 000193

Environment, District Department of the - Permits

#6170-R2 Cellco Partnership (DBA Verizon Wireless),
1673 Park Road NW 000194

#6173-R2 Cellco Partnership (DBA Verizon Wireless),
4850 Connecticut Avenue NW 000195

#6186-R2 Cellco Partnership (DBA Verizon Wireless),
650 Massachusetts Avenue NW 000196

#6461-R1 Cellco Partnership (DBA Verizon Wireless),
2501 25th Street SE..... 000197

#6958 Cellco Partnership (DBA Verizon Wireless),
2407 15th Street NW.....000198 - 000199

Health, Department of - Public Notice -

Cancellation of DC Board of Social Work Meeting
on December 22, 2014 - Announcement of
January 26, 2015 Meeting 000200

DC Board of Long Term Care Administration -
2015 Meeting Schedule 000201

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Small and Local Business Development, Department of -
 Requests for Waiver of Subcontracting Requirement 000202

Two Rivers Public Charter School - Request for Proposals -
 Low Voltage Cabling Services..... 000203

Water and Sewer Authority, DC -
 Audit Committee Meeting - January 22, 2015 000204

Board of Directors Meeting - January 8, 2015 000205

Environmental Quality and Sewerage Services
 Committee Meeting - January 15, 2015 000206

Finance and Budget Committee Meeting -
 January 22, 2015..... 000207

Governance Committee Meeting - January 14, 2015 000208

Human Resources and Labor Relations Committee
 Meeting - January 14, 2015 000209

Retail Water and Sewer Rates Committee Meeting -
 January 27, 2015..... 000210

Water Quality and Water Services Committee
 Meeting - January 15, 2015 000211

Zoning Adjustment, Board of - Orders -
 18879 Farhad & Shahrzad Jalinous - ANC 3C.....000212 - 000214
 18882 Dana & Walt Lukken - ANC 6C.....000215 - 000217
 18883 Gaudi Development Corporation - ANC 6A000218 - 000220

Zoning Commission -
 10-12B Tiber Creek Associates, LLC - Order000221 - 000224
 14-01A Jemal's Hecht's, LLC - Notice of Filing..... 000225
 14-24 1900 11th Street, N.W., LLC - Notice of Filing 000226

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-528

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 19, 2014

To amend, on an emergency basis, the Day Care Policy Act of 1979 to establish a pilot, community-based Quality Improvement Network that will allow children and families to benefit from early, continuous, intensive, and comprehensive child development and family-support engagement services, including educational, health, nutritional, behavioral, and family-support services.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Early Learning Quality Improvement Network Emergency Amendment Act of 2014".

Sec. 2. The Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official § 4-401 *et seq.*), is amended by adding a new section 15a to read as follows:

"Sec. 15a. Comprehensive child development programs.

"(a) Notwithstanding sections 3 through 11, the Office of the State Superintendent of Education ("OSSE") shall establish a pilot, community-based Quality Improvement Network ("QIN") composed of:

"(1) Child development hubs, selected through a competitive process, that will provide quality improvement technical assistance and comprehensive services to licensed child development centers and licensed child development homes selected by OSSE to be partners and that agree to meet federal Early Head Start Program Performance Standards for program participation; and

"(2) Child development centers and child development homes, selected through a competitive process, to provide low-income infants and toddlers high-quality, full-day, full-year comprehensive early learning and development services and continuum of care.

"(b) Child development centers and child development homes within the QIN shall receive technical assistance from child development hubs to achieve the following within 18 months of being selected by OSSE to participate in the QIN:

"(1) Child development centers and child development homes within the QIN shall have adult-to-child ratios and group sizes that meet or exceed federal Early Head Start standards for all children from birth to 3 years of age in child development centers, or as otherwise approved by OSSE.

"(2) Child development centers and child development homes within the QIN shall have a comprehensive curriculum or program that is aligned with federal Head Start

ENROLLED ORIGINAL

Program Performance Standards and the District's early learning and development standards for serving infants, toddlers, and their families.

“(3) Staff who have direct supervision of infants and toddlers at child development centers and child development homes within the QIN shall, at a minimum, meet or exceed Early Head Start Standards for staff qualifications or credentials.

“(4) Child development centers and child development homes within the QIN shall partner with child development hubs to develop and implement a quality improvement plan, including aligning program policies and procedures to support on-site coaching, professional development, and teacher planning time.

“(5) Child development centers and child development homes within the QIN shall provide child-, family-, and program-level data to OSSE and the child development hubs as requested.

“(6) Child development centers and child development homes within the QIN shall participate in ongoing, on-site and desktop monitoring activities to ensure compliance with program requirements and Head Start Program Performance Standards required to remain in good standing with OSSE, the child development hubs, and the U.S. Department of Health and Human Services, Office of Head Start, if applicable.

“(7) Child development centers and child development homes within the QIN shall support comprehensive services for children and families by the child development hubs, including implementation of individualized family service plans.

“(8) Child development centers and child development homes within the QIN shall participate in the Child and Adult Care Food Program.

“(9) Child development centers and child development homes within the QIN shall facilitate children's and families' transitions to Pre-K or Head Start programs.

“(c) OSSE shall have authority to set payment rates and to develop policies and procedures for high-quality early learning and development services set under the authority of this section.

“(d) To be eligible for infant and toddler child development services provided by child-care partners in the QIN, a child shall be a resident of the District of Columbia and between birth and 3 years of age; provided, that a child who turns 3 years old during a program year may continue to receive services for the duration of the program year before transitioning into a pre-kindergarten or Head Start preschool program.

“(e) To the extent possible, priority enrollment shall be given to children between birth and 3 years of age whose families are living at or below the federal poverty level, who are homeless or in the foster care system, or who live with a grandparent, godparent, or relative who is receiving a grandparent caregiver subsidy pursuant to Title I of the Grandparent Caregivers Pilot Program Establishment Act of 2005, effective March 8, 2006 (D.C. Law 16-69; D.C. Official Code § 4-251.01 *et seq.*).

“(f) OSSE shall monitor the child development hubs and partner participants in the QIN for adherence to policies and procedures set under the authority of this act.

“(g) OSSE may, in whole or in part, terminate the grant provided to a hub or partner participant at any time if OSSE determines that a hub or partner participant has:

ENROLLED ORIGINAL

“(1) Substantially failed to comply with, or meet the objectives and terms of, the grant award; or

“(2) Failed to comply with applicable federal or District laws or regulations.


“(h) OSSE shall continue on-site monitoring for health and safety licensing compliance of child-care partners participating in the QIN; provided, that OSSE may delegate to the child development hubs on-site monitoring of the compliance of participating child development centers and homes with federal Head Start Program Performance Standards; provided, that relevant data collected by child development hubs is regularly reported to OSSE.”.

Sec. 3. Fiscal impact statement.

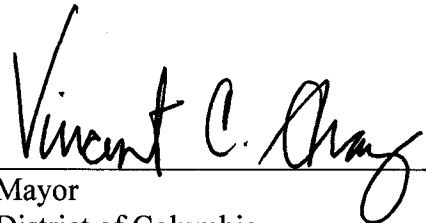
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1 206.02(c)(3)).

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 19, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-529

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 19, 2014

To amend, on an emergency basis, the Education Licensure Commission Act of 1976 to extend authority to the commission to require an educational institution physically located outside the District of Columbia offering postsecondary degree-granting or non-degree-granting online programs or courses to District of Columbia residents to be licensed in the District of Columbia, and to provide the commission with the authority to enter into reciprocity agreements in regard to online instruction; and to amend the State Education Office Establishment Act of 2000 to designate the Office of the State Superintendent of Education the state portal agency for state authorization reciprocity.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Education Licensure Commission Emergency Amendment Act of 2014".

Sec. 2. The Education Licensure Commission Act of 1976, effective April 6, 1977 (D.C. Law 1-104; D.C. Official Code § 38-1301 *et seq.*), is amended as follows:

(a) Section 201 (D.C. Official Code § 38-1302) is amended as follows:

(1) Paragraph (7) is amended by striking the phrase "by personal attendance or correspondence." and inserting the phrase "by personal attendance, online instruction, or by other means." in its place.

(2) New paragraphs (15) and (16) are added to read as follows:

"(15)(A) "Online instruction" means education, whether known as virtual class, correspondence course, distance learning, or other like term, where the learner and instructor are not physically in the same place at the same time, that is delivered through an electronic medium such as the Internet, Web-based form, real time, or recorded video or digital form, and offered or provided by an educational institution to District residents who are physically present in the District.

"(B) The education provided pursuant to subparagraph (A) of this paragraph shall be deemed delivered through an online presence in the District.

"(16) "Online presence" means the delivery of online instruction by an educational institution."

(b) Section 6 (D.C. Official Code § 38-1306) is amended by adding a new subsection (c-1) to read as follows:

ENROLLED ORIGINAL

“(c-1) An educational institution licensed by the Commission shall be subject to the laws and regulations that govern degree-granting and non-degree-granting institutions in the District, including those governing the complaint process.”

(c) Section 7 (D.C. Official Code § 38-1307) is amended as follows:

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

(2) Paragraph (4) is amended by striking the period and inserting a semicolon in its place.

(3) New paragraphs (5) and (6) are added to read as follows:

“(5) Have the authority to enter into agreements with other jurisdictions as it relates to the licensing of postsecondary educational institutions that provide degree-granting or non-degree-granting online instruction to residents of the District; and

“(6) Enter into agreements with degree-granting educational institutions operating in the District of Columbia that are otherwise conditionally exempt pursuant to section 10 for the purpose of ensuring consistent consumer protection in the interstate distance education delivery of higher education.”

(d) Section 9 (D.C. Official Code § 38-1309) is amended as follows:

(1) Subsection (a)(2) is amended by striking the phrase “§ 29-101.99 or § 29-301.64,” and inserting the phrase “§ 29-101.01 *et seq.*,” in its place.

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

“(a-1) An educational institution that is providing degree-granting or non-degree-granting online instruction to residents of the District through an online presence shall be deemed to be operating in the District and shall be licensed by the Commission.”

(3) Subsection (d) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase “; and” and inserting a period in its place.

(B) Paragraph (2) is repealed.

(4) Subsection (e) is amended by striking the phrase “done by correspondence.” and inserting the phrase “done solely through online instruction.” in its place.

Sec. 3. Section 3(b)(6) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)(6)), is amended by striking the semicolon and inserting the phrase “, including acting as the state portal agency for the purposes of state authorization reciprocity;” in its place.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

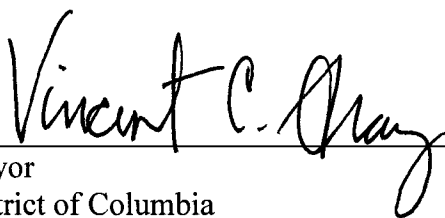
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

ENROLLED ORIGINAL

90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 19, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-530

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2014

To amend the Mental Health Service Delivery Reform Act of 2001 to prohibit the use of practices designed to change the sexual orientation of a minor by a licensed mental health provider.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Conversion Therapy for Minors Prohibition Amendment Act of 2014".

Sec. 2. Title II of the Mental Health Service Delivery Reform Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code § 7-1231.01 *et seq.*), is amended as follows:

(a) Section 202 (D.C. Official Code § 7-1231.02) is amended by adding a new paragraph (25A) to read as follows:

"(25A) "Sexual orientation change efforts" means a practice by a provider that seeks to change a consumer's sexual orientation, including efforts to change behaviors, gender identity or expression, or to reduce or eliminate sexual or romantic attractions or feelings toward a person of the same sex or gender; provided, that the term "sexual orientation change efforts" shall not include counseling for a consumer seeking to transition from one gender to another, or counseling that provides acceptance, support, and understanding of a consumer or facilitates a consumer's coping, social support, and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices in a manner that does not seek to change a consumer's sexual orientation."

(b) A new section 214a is added to read as follows:

"Sec. 214a. Prohibition on sexual orientation change efforts for minors.

"(a) A provider shall not engage in sexual orientation change efforts with a consumer who is a minor.

"(b) A violation of subsection (a) of this section shall be considered a failure to conform to acceptable conduct within the mental health profession under section 514(a)(26) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.14(a)(26)), and shall subject a provider to discipline and penalties under section 514(c) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.14(c))."

ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
December 22, 2014

ENROLLED ORIGINAL

AN ACT
D.C. ACT 20-531

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 19, 2014

To prohibit employers from requiring that an employee refrain from inquiring, disclosing, comparing, or otherwise discussing with any other employee of the same employer the employee's wages or the wages of another employee, and to prohibit employers from retaliating against employees who do so.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Wage Transparency Act of 2014".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Employee" means an individual employed by an employer.
- (2) "Employer" means an individual, firm, association, or corporation who uses the services of another individual for pay in the District; provided, that the term "employer" does not include the District or the federal government.
- (3) "Wages" shall have the same meaning as provided in section 1(3) of An Act to provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 976; D.C. Official Code § 32-1301(3)).

Sec. 3. Prohibited actions of employer.

An employer shall not:

- (1) Require, as a condition of employment, that an employee refrain from inquiring about, disclosing, comparing, or otherwise discussing the employee's wages or the wages of another employee;
- (2) Discharge, discipline, interfere with, or otherwise retaliate against an employee who inquires about, discloses, compares, or otherwise discusses the employee's wages or the wages of another employee or is believed by the employer to have done so; or
- (3) Prohibit or attempt to prohibit an employee from lodging a complaint, or testifying, assisting, or participating in an investigation or proceeding, related to a violation of this act.

Sec. 4. Exceptions.

- (a) An employer may prohibit an employee with regular access to information regarding the wages of other employees in the course of the employee's work, such as a human resources

ENROLLED ORIGINAL

employee, from sharing such information, unless the disclosure is in furtherance of or response to an investigation, action, or hearing, or there is a legal obligation for the employer to furnish the information.

(b) Nothing in this act shall require:

(1) An employer to disclose the wages of an employee in response to an inquiry by another employee; or

(2) An employee to disclose his or her wages in response to an inquiry by another employee.

Sec. 5. Provisions of law may not be waived.

No provision of this act shall in any way be contravened or set aside by private agreement.

Sec. 6. Enforcement.

(a) If an employer fails to comply with the provisions of this act, the Mayor shall assess a civil fine of \$1,000 for the first violation, \$5,000 for the second violation, and \$20,000 for each subsequent violation.

(b) Adjudication for a violation of this act shall be pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

(c) Nothing in this act shall be construed to create a private right of action.

Sec. 7. Rules.

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

Sec. 8. Applicability.

This act shall not apply to an employment contract entered into before the effective date of this act; provided, that upon renewal of such a contract, this act shall apply.

Sec. 9. Fiscal impact statement.

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

Sec. 10. Effective date.

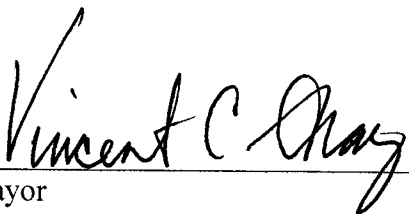
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 19, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-532

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 19, 2014

To designate the Potomac Bluestone as the official rock of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "DC Rocks, So We Need One Act of 2014".

Sec. 2. (a) Potomac Bluestone is a metamorphic rock that has a long and distinguished history in the District of Columbia.

(b) Before the founding of our nation, Potomac Bluestone was quarried by Native Americans and used by early colonists. Later, District residents, including Italian immigrants and African Americans, followed in the footsteps of the first Americans and also quarried this ancient and important rock.

(c) Potomac Bluestone has been used extensively in construction in the District of Columbia.

(d) Potomac Bluestone was used as the foundation for the White House, the Capitol, and the Washington Monument.

(e) Many houses in the northwest section of the District are also made of Potomac Bluestone, including the Old Stone House in Georgetown, which was built in 1765.

(f) Other notable area structures with Potomac Bluestone are Georgetown's Healey Building, St. Elizabeths Hospital, the Chain Bridge abutments, and the sea wall at Hains Point. The rock is also at the National Zoo, in the Panda House, the Elephant House, and the Mane Restaurant.

Sec. 3. The Potomac Bluestone is hereby designated the official rock of the District of Columbia.

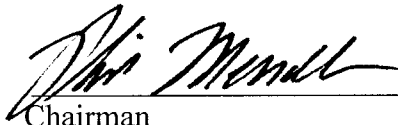
Sec. 4. Fiscal impact statement.

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

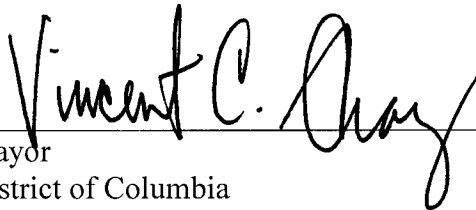
ENROLLED ORIGINAL

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 19, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-533

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 19, 2014

To symbolically designate 1st Street, N.E., and 1st Street, S.E., between Constitution Avenue, N.E., and Independence Avenue, S.E., in Ward 6, as D.C. No Taxation Without Representation Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “D.C. No Taxation Without Representation Way Designation Act of 2014”.

Sec. 2. Pursuant to sections 401 and 403a of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.03a) (“Act”), and notwithstanding sections 407 and 408 of the Act, the Council symbolically designates 1st Street, N.E., and 1st Street, S.E., between Constitution Avenue, N.E., and Independence Avenue, S.E., in Ward 6, as “D.C. No Taxation Without Representation Way”.

Sec. 3. Transmittal.

The Chairman of the Council shall transmit a copy of this act, upon its effective date, to the Director of the District Department of Transportation.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

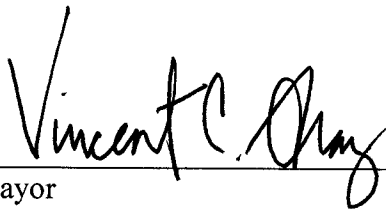
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 19, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-534

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 19, 2014

To criminalize the unauthorized disclosure of a sexual image of another person.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Criminalization of Non-Consensual Pornography Act of 2014".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Disclose" means to transfer or exhibit to 5 or fewer persons.
- (2) "Harm" means any injury, whether physical or nonphysical, including psychological, financial, or reputational injury.
- (3) "Internet" means an electronically available platform by which sexual images can be disseminated to a wide audience, including social media, websites, and smartphone applications; provided, that the term "Internet" does not include a text message.
- (4) "Private area" means the genitals, anus, or pubic area of a person, or the nipple of a developed female breast, including the breast of a transgender female.
- (5) "Publish" means to transfer or exhibit to 6 or more persons, or to make available for viewing by uploading to the Internet.
- (6) "Sexual conduct" shall have the same meaning as provided in section 2(5) of the District of Columbia Protection of Minors Act of 1982, effective March 9, 1983 (D.C. Law 4-173; D.C. Official Code § 22-3101(5)).
- (7) "Sexual image" means a photograph, video, or other visual recording of an unclothed private area or of sexual conduct.

Sec. 3. Unlawful disclosure.

(a) It shall be unlawful in the District of Columbia for a person to knowingly disclose one or more sexual images of another identified or identifiable person when:

- (1) The person depicted did not consent to the disclosure of the sexual image;
- (2) There was an agreement or understanding between the person depicted and the person disclosing that the sexual image would not be disclosed; and
- (3) The person disclosed the sexual image with the intent to harm the person depicted or to receive financial gain.

ENROLLED ORIGINAL

(b) A person who violates this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), imprisoned for not more than 180 days, or both.

Sec. 4. First-degree unlawful publication.

(a) It shall be unlawful in the District of Columbia for a person to knowingly publish one or more sexual images of another identified or identifiable person when:

(1) The person depicted did not consent to the disclosure or publication of the sexual image;

(2) There was an agreement or understanding between the person depicted and the person publishing that that the sexual image would not be disclosed or published; and

(3) The person published the sexual image with the intent to harm the person depicted or to receive financial gain.

(b) A person who violates this section shall be guilty of a felony and, upon conviction, shall be fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), imprisoned for not more than 3 years, or both.

Sec. 5. Second degree unlawful publication.

(a) It shall be unlawful in the District of Columbia for a person to knowingly publish one or more sexual images of another identified or identifiable person obtained from a third party or other source when:

(1) The person depicted did not consent to the disclosure or publication of the sexual image; and

(2) The person published the sexual image with conscious disregard that the sexual image was obtained as a result of a previous disclosure or publication of the sexual image made with an intent to harm the person depicted or to receive financial gain.

(b) A person who violates this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), imprisoned for not more than 180 days, or both.

Sec. 6. Exclusions.

(a) This act shall not apply to:

(1) Constitutionally protected activity; or

(2) A person disclosing or publishing a sexual image that resulted from the voluntary exposure of the person depicted in a public or commercial setting.

(b) Nothing in this act shall be construed to impose liability on an interactive computer service, as defined in section 230(e)(2) of the Communications Act of 1934, approved February 8, 1996 (110 Stat. 139; 47 U.S.C. § 230(f)(2)), for content provided by another person.

ENROLLED ORIGINAL

Sec. 7. Affirmative defenses.

It shall be an affirmative defense to a violation of section 3, 4, or 5 if the disclosure or publication of a sexual image is made in the public interest, including the reporting of unlawful conduct, the lawful and common practices of law enforcement, or legal proceedings.

Sec. 8. Jurisdiction.

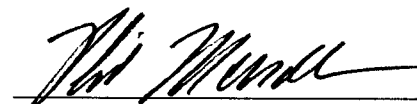
A violation of section 3, 4, or 5 shall be deemed to be committed in the District of Columbia if any part of the violation takes place in the District of Columbia, including when either the person depicted or the person who disclosed or published the sexual image was a resident of, or located in, the District of Columbia at the time that the sexual image was made, disclosed, or published.

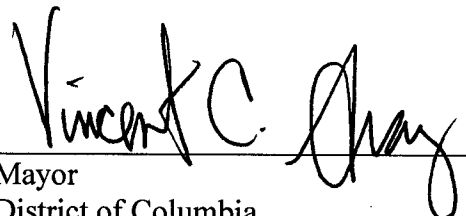
Sec. 9. Fiscal impact statement.

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

Sec. 10. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 19, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-535

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 19, 2014

To accept the dedication of land for public alley purposes in Square 752, bounded by H Street, N.E., 2nd Street, N.E., G Street, N.E., and 3rd Street, N.E., in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Dedication of a Public Alley in Square 752, S.O. 14-15491, Act of 2014".

Sec. 2. (a) Pursuant to section 302(c) of the Street and Alley Closing and Acquisition Procedures Act of 1982 ("Act"), effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-203.02(3)), and notwithstanding the requirements set forth in section 301 (D.C. Official Code § 9-203.01) of the Act, the Council accepts the dedication of land for public alley purposes, in fee simple, as shown on the Surveyor's plat in S.O. 14-15491; provided, that the applicant for dedication of the public alley has the right to use the below-grade space of the public alley without any charge from the District and without the requirement of public space permits.

(b) The dedication of land as provided in subsection (a) of this section shall become effective only upon the filing of covenants in the land records for the District of Columbia and the filing of the dedication plat in the Office of the Surveyor.

(c) The covenants required pursuant to subsection (b) of this section shall include a maintenance covenant to run with the land including the specific provisions agreed upon by the District Department of Transportation and the applicant, as set forth in the official file of S.O. 14-15491.

Sec. 3. The Chief Financial Officer shall reduce the operating margin of Fiscal Year 2015 by \$7,299, and by \$21,897 in the Fiscal Year 2015 through Fiscal Year 2018 financial plan, to fund the fiscal effect of this act.

Sec. 4. Transmittal.

The Chairman of the Council of the District of Columbia shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor and the Office of the Recorder of Deeds.

ENROLLED ORIGINAL

Sec. 5. Fiscal impact statement.

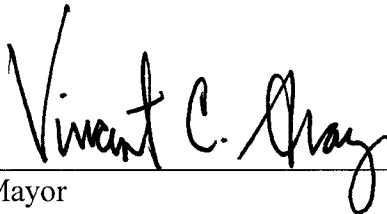
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 19, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-536

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 19, 2014

To amend, on a temporary basis, the Grandparent Caregivers Pilot Program Establishment Act of 2005 to allow the Grandparent Caregivers Program subsidy to be transferred to a relative caregiver when a grandparent is no longer able to care for the child.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Grandparent Caregivers Program Subsidy Transfer Temporary Amendment Act of 2014".

Sec. 2. The Grandparent Caregivers Pilot Program Establishment Act of 2005, effective March 8, 2006 (D.C. Law 16-69; D.C. Official Code § 4-251.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 4-251.01) is amended as follows:

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

"(1A) "Godparent" means an individual identified by a relative of the child by blood, marriage, domestic partnership, or adoption, in a sworn affidavit, to have close personal or emotional ties with the child or the child's family, which pre-dated the child's placement with the individual."

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

"(3A) "Relative" means an individual who is related to the child by blood, marriage, domestic partnership, or adoption or is a godparent of the child."

(b) A new section 103a is added to read as follows:

"Sec. 103a. Transfer of subsidy.

"(a) The Mayor may transfer subsidy payments to a relative caregiver upon the death or mental or physical incapacity of a grandparent if:

"(1) The relative caregiver files an application for a subsidy within 30 days of becoming the child's primary caregiver;

"(2) The relative caregiver has a strong commitment to caring for the child;

"(3) The child's parent does not reside in the relative caregiver's home; provided, that a parent may reside in the home without disqualifying the relative caregiver from receiving a subsidy if:

"(A) The parent has designated the relative caregiver to be the child's standby guardian pursuant to Chapter 48 of Title 16;

"(B) The parent is a minor enrolled in school; or

ENROLLED ORIGINAL

“(C) The parent is a minor with a medically verifiable disability under criteria prescribed by the Mayor pursuant to section 106;

“(4) The relative caregiver and all adults residing in the relative caregiver’s home have submitted to criminal background checks;

“(5) The relative caregiver is a resident of the District as defined by section 503 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.03);

“(6) The relative caregiver has applied for Temporary Assistance for Needy Families benefits for the child;

“(7) The relative caregiver has entered into a subsidy agreement that includes a provision that no payments received under the agreement shall inure to the benefit of the child’s parent but shall be solely for the benefit of the child;

“(8) The relative caregiver is not currently receiving a guardianship or adoption subsidy for the child;

“(9) The relative caregiver has provided a signed statement, sworn under penalty of perjury, that the information provided to establish eligibility pursuant to this section or rules promulgated pursuant to section 106 is true and accurate to the best belief of the relative caregiver applicant; and

“(10) The relative caregiver has met any additional requirements of rules promulgated pursuant to section 106.

“(b)(1) The Mayor shall recertify the eligibility of each relative caregiver receiving a subsidy on at least an annual basis.

“(2) For the purposes of the recertification, a relative caregiver may be required to provide a signed statement, sworn under penalty of perjury, that the information provided to establish continued eligibility pursuant to this section or any rules issued pursuant to section 106 remains true and accurate to the best belief of the relative caregiver.

“(c)(1) The Mayor shall terminate subsidy payments to a relative caregiver at any time if:

“(A) The Mayor determines the relative caregiver no longer meets the eligibility requirements established by this section or by rules issued pursuant to section 106; or

“(B) There is a substantiated finding of child abuse or neglect against the relative caregiver resulting in the removal of the child from the relative caregiver’s home.

“(2) A relative caregiver whose subsidy payments are terminated as a result of the removal of the child from the relative caregiver’s home may reapply if the child has been returned to the relative caregiver’s home.

“(d) Eligibility for subsidy payments under this section may continue until the child reaches 18 years of age.

“(e) The determination of whether to transfer a subsidy is solely within the discretion of the Mayor.

“(f) An applicant whose application for a subsidy transfer has been denied shall not be entitled to a hearing under Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

ENROLLED ORIGINAL

“(g) A relative caregiver whose subsidy has been terminated shall be entitled to a fair hearing under the applicable provisions of Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*); provided, that a relative caregiver shall not be entitled to a hearing if the termination of a subsidy is based upon the unavailability of appropriated funds.

“(h) Any statement under this section made with knowledge that the information set forth in the statement is false shall be subject to prosecution as a false statement under section 404(a) of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2405(a)).”.

(c) Section 104 (D.C. Official Code § 4-251.04) is amended as follows:

(1) Subsection (b) is amended by striking the word “grandparent” and inserting the phrase “grandparent or relative caregiver” in its place.

(2) Subsection (c) is amended by striking the word “grandparent” and inserting the phrase “grandparent or relative caregiver” in its place.

(d) Section 105 (D.C. Official Code § 4-251.05) is amended by adding a new paragraph (5A) to read as follows:

“(5A) The number of subsidies transferred to a relative caregiver pursuant to section 103a;”.

Sec. 3. Fiscal impact statement.

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


Sec. 4. Effective date.

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

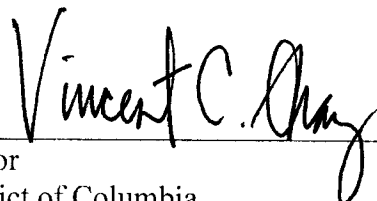
ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 19, 2014

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

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

COUNCIL OF THE DISTRICT OF COLUMBIA
LEGISLATION

PROPOSED

PROPOSED RESOLUTION

PR20-1217 Taxicab Vehicle License Quota Regulation Approval Resolution of 2014

Intro. 12-22-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
NOTICE OF PUBLIC HEARING

Posting Date:	January 2, 2015
Petition Date:	February 17, 2015
Roll Call Hearing Date:	March 2, 2015
Protest Hearing Date:	May 13, 2015
License No.:	ABRA-097478
Licensee:	BTS TWO LLC
Trade Name:	Burger Tap & Shake
License Class:	Retailer's Class "C" Restaurant
Address:	4445 Wisconsin Ave., N.W.
Contact:	Andrew Kline: 202-686-7600

WARD 3

ANC 3E

SMD 3E01

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Roll Call Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on May 13, 2015 at 4:30 pm.

NATURE OF OPERATION

Restaurant serving American food, specializing in quick-service burgers, shakes, and salads. Sidewalk Café with seating for 25. Total Occupancy Load of 99.
No dancing. No nude performances.

HOURS OF OPERATION FOR PREMISES AND SIDEWALK CAFE

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

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

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

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

Posting Date: November 21, 2014

Petition Date: January 5, 2015

Hearing Date: January 20, 2015

License No.: ABRA-095700

Licensee: Chaplin Restaurant DC, LLC

Trade Name: Chaplin

License Class: Retailer's Class "C" Restaurant

Address: 1501 9th St., N.W.

Contact: Joyce Njorge, 202-644-8806

WARD 6

ANC 6E

SMD 6E01

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 an Entertainment Endorsement to allow live music and a DJ.

CURRENT HOURS OF OPERATION

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

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 11 am – 1:30 am and Friday & Saturday 11 am – 2:30 am

HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 7 pm – 12 am and Friday & Saturday 7 pm – 1:30 am

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

Posting Date: January 2, 2015
Petition Date: February 17, 2015
Hearing Date: March 2, 2015
Protest Date: May 13, 2015

License No.: ABRA-097488
Licensee: Fig & Olive DC, LLC
Trade Name: Fig & Olive
License Class: Retailer's Class "C" Restaurant
Address: 934 Palmer Alley, N.W.
Contact: Andrew Kline: 202-686-7600

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 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 May 13, 2015.

NATURE OF OPERATION

French restaurant with a seating capacity of 27 and total occupancy load of 528. Requesting an Entertainment Endorsement, Sidewalk Café with 54 seats and Summer Garden with 54 seats.

HOURS OF OPERATION FOR PREMISES, SIDEWALK CAFÉ AND SUMMER GARDEN

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

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

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

HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 6 pm – 2 am and Friday & Saturday 6 pm – 3 am

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

Posting Date: January 2, 2015
Petition Date: February 17, 2015
Roll Call Hearing Date: March 2, 2015
Protest Hearing Date: May 13, 2015

License No.: ABRA-097500
Licensee: Mercadito DC LLC
Trade Name: Mercadito DC
License Class: Retailer's Class "C" Restaurant
Address: 901 Massachusetts Ave., N.W.
Contact: Andrew Kline: 202-686-7600

WARD 2

ANC 2F

SMD 2F06

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Roll Call Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on May 13, 2015 at 4:30 pm.

NATURE OF OPERATION

Restaurant serving Mexican Tapas. Occasional DJ Performances, No Dancing. No Nude Performances. Entertainment Endorsement. Summer Garden with seating for 24. Total Occupancy Load of 271.

HOURS OF OPERATION FOR PREMISES AND SUMMER GARDEN

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

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

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

HOURS OF LIVE ENTERTAINMENT

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: January 2, 2015
Petition Date: February 17, 2015
Hearing Date: March 2, 2015
Protest Date: May 13, 2015

License No.: ABRA-097479
Licensee: OutpostDC, LLC
Trade Name: TBD
License Class: Retailer's Class "C" Restaurant
Address: 440 K St., N.W.
Contact: Andrew Kline: 202-686-7600

WARD 6

ANC 6E

SMD 6E05

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 1:30 pm on May 13, 2015.

NATURE OF OPERATION

Restaurant specializing in baked goods, light fare, and coffee with a seating capacity of 93. Total occupancy load of 99. Sidewalk Café with a capacity of 86. No entertainment and no nude dancing.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 7 am – 11 pm and Friday & Saturday 7 am – 12 am

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

Sunday through Saturday 7 am – 10 pm

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

Posting Date: January 2, 2015
Petition Date: February 17, 2015
Hearing Date: March 2, 2015
Protest Hearing Date: May 13, 2015

License No.: ABRA-097182
Licensee: Mukundrai, Inc.
Trade Name: Southwest Flippin Pizza
License Class: Retailer's Class "C" Restaurant
Address: 1250-1280 Maryland Avenue, S.W.
Contact: Andrew Kline: 202-686-7600

WARD 6

ANC 6D

SMD 6D01

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for May 13, 2015 at 4:30 pm.

NATURE OF OPERATION

A restaurant serving pizza, salad, calzones and chicken wings. No entertainment. No nude dancing. No nude performances. Total Occupancy Load: 99. Total number of seats: 51.

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

Sunday through Saturday 10:30am - 9pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: January 2, 2015
Petition Date: February 17, 2015
Hearing Date: March 2, 2015
Protest Date: May 13, 2015

License No.: ABRA-097573
Licensee: Ameri Thai Group, Inc.
Trade Name: Thai Pad
License Class: Retailer’s Class “C” Restaurant
Address: 4481-B Connecticut Avenue, N.W.
Contact: Steven Imus: 202-244-0379

WARD 3

ANC 3F

SMD 3F04

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 May 13, 2015.

NATURE OF OPERATION

New restaurant serving exclusively Thai food. Seating for 28 and total occupancy load of 33.

HOURS OF OPERATION INSIDE PREMISES AND OUTSIDE IN SUMMER GARDEN

Sunday through Thursday 11 am – 10:30 pm and Friday & Saturday 11 am – 11 pm

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 11 am – 11:30 pm and Friday & Saturday 11 am – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: January 2, 2015
 Petition Date: February 17, 2015
 Roll Call Hearing Date: March 2, 2015
 Protest Hearing Date: May 13, 2015

License No.: ABRA-097022
 Licensee: Hyun & Sang Inc.
 Trade Name: West Wing Cafe
 License Class: Retailer’s Class “C” Restaurant
 Address: 2400-C M Street, N.W.
 Contact: Steven Lee/All Nations Law Center: 703-273-6203

WARD 2

ANC 2A

SMD 2A02

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Roll Call Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on May 13, 2015 at 4:30 pm.

NATURE OF OPERATION

Deli-style fast food to eat in or carry out. Total Occupancy Load of 65 with seating for 50.

HOURS OF OPERATION

Sunday through Saturday: 7am – 2am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Saturday: 10am – 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: January 2, 2015
Petition Date: February 17, 2015
Hearing Date: March 2, 2015
Protest Date: May 13, 2015

License No.: ABRA-097559
Licensee: LTO I, LLC
Trade Name: White Apron Specialty Sandwiches
License Class: Retailer's Class "C" Restaurant
Address: 445 11th Street, N.W.
Contact: Stephen J. O'Brien: 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 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 May 13, 2015.

NATURE OF OPERATION

Neighborhood restaurant/lounge featuring light snacks and recorded background music. Seating for 44 inside the premises, sidewalk café with 12 seats and total occupancy load of 98. No nude performances.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION INSIDE PREMISE AND IN SIDEWALK CAFÉ

Sunday through Saturday 11 am – 1 am

**DISTRICT OF COLUMBIA
HISTORIC PRESERVATION REVIEW BOARD**

**PENDING HISTORIC LANDMARK AND HISTORIC DISTRICT NOMINATIONS
TENTATIVE PUBLIC HEARING SCHEDULE**

(All hearing dates are subject to change, and most likely will change)

<u>Property</u>	<u>Case Number</u>	<u>Scheduled Hearing Date</u>
Corcoran Gallery of Art amendment (interior) 1700 New York Avenue/500 17 th Street NW	13-01	February 2015
West Heating Plant 1051/1055 29 th Street NW	14-04	February 2015
Scheele-Brown Farmhouse 2207 Foxhall Road NW	13-22	March 2015
Rock Creek Valley Historic District Reservations 308A, 339, 356, 402, 432, 433, 435, 545, 563, 630 and 635	14-19	March 2015
Capitol Hill Historic District amendment Squares 753 and 778 and part of Squares 752 and 777	15-01	April 2015
Sedgwick Gardens Apartment House 3726 Connecticut Avenue NW	15-03	April 2015
Lunch Room and Oyster Shucking Shed 1100 Maine Avenue SW	12-03	May 2015
Lincoln Playground Field House 555 L Street SE	15-02	May 2015
Recorder of Deeds Building 515 D Street NW	11-19	June 2015
District of Columbia Municipal Center 300 Indiana Avenue/301 C Street NW	14-02	June 2015
GSA Regional Office Building 301 (315) 7 th Street SW (801 D Street SW)	14-11	July 2015
E Street Complex 2430 E Street/2301 Constitution Avenue NW	14-03	September 2015
Old Naval Observatory Historic District	11-21	September 2015

2300 E Street NW, Reservation 4		
Round House 1001 Irving Street NE	13-06	October 2015
The Denrike Building 1010 Vermont Avenue NW	10-16	November 2015
Southern Railway Building 1500 K Street NW	11-05	November 2015
B.F. Saul Building 925 15 th Street NW	11-03	November 2015
Davidson Building 927 15 th Street/1432 K Street NW	14-14	November 2015
Interstate Building 1317 F Street NW	14-15	November 2015
INTELSAT Headquarters Building 3400 International Drive/4000 Connecticut Avenue NW	14-06	December 2015
C&P Telephone Cleveland Emerson Exchange 4268 Wisconsin Avenue NW	09-06	December 2015
Union Station amendment (interior and boundary) 50 Massachusetts Avenue NE	12-08	January 2016
Williams-Addison House amendment 1645 31 st Street NW	07-38	January 2016
Kennedy-Warren Apartments amendment 3131-3133 Connecticut Avenue NW	09-03	February 2016
1007, 1009, 1011, 1015 and 1017 K Street NW	09-02	February 2016
Western Bus Garage 5230 Wisconsin Avenue NW	06-03	March 2016
Dunblane 4340 Nebraska Avenue NW	08-11	March 2016
U Street Historic District expansion Most of Square 441	08-12	April 2016
Suter Properties 511 and 521 G Street NW	09-01	April 2016
Brookland Bowling Alley 3726 10 th Street NE	09-08	May 2016

Sheridan Theater and Park 'n' Shop 6201 (6201-6221) Georgia Avenue NW	07-01	May 2016
Downtown Historic District expansion Parts of Squares 404, 405, 428, 453, 454 and 486	13-08	June 2016
Barney Circle Historic District Squares 1092, 1092-S, 1092-W and most of Squares 1077 and 1091-S	08-01	July 2016
Barney Circle Historic District amendment Squares 1092, 1092-S, 1092-W and most of Squares 1077 and 1091-S	10-19	July 2016

For additional information, including monthly hearing notice and agendas, please see the HPO and HPRB website at www.preservation.dc.gov. For inquiries about a particular property, please contact Tim Dennee, Landmarks Coordinator, at timothy.dennee@dc.gov or 202-442-8847.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, MARCH 10, 2015
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

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

TIME: 9:30 A.M.

WARD SIX

18935 **Application of Sonja Sweek**, pursuant to 11 DCMR § 3103.2, for variances
ANC-6B from the lot occupancy requirements under § 403.2, and the maximum height and
 number of stories of accessory structures requirements under § 2500.4, to allow
 the construction of a two-story garage in the R-4 District at premises 515 7th
 Street, S.E. (Square 877, Lot 853).

WARD SIX

18940 **Application of H Street Legacy, LLC**, pursuant to 11 DCMR §§ 3103.2 and
ANC-6A 3104.1, for a variance from the off-street parking requirements under § 2101.1,
 and a special exception from the roof structure setback requirements under §§
 411.11 and 770.6, to construct a six-story multi-family residential building with
 ground floor retail in the HS-A/C-3-A District at premises 1371-1375 H Street
 N.E. (Square 1027, Lot 848).

WARD THREE

18941 **Application of Thomas and Patty Johnson**, pursuant to 11 DCMR §
ANC-3F 1520.1, for a special exception from the aggregate side yard requirements under §
 1518.3, to construct a second story addition in the FH-TSP/R-1-A District at
 premises 3318 Fessenden Street, N.W. (Square 2033, Lot 2).

WARD ONE

18944 **Application of Michael Reitz**, pursuant to 11 DCMR § 3104.1 for a special
ANC-1A exception under § 223, not meeting the nonconforming structure requirements
 under § 2001.3, to allow the construction of a third-story addition to an existing
 single-family dwelling in the D/R-5-B District at premises 1505 Harvard Street
 N.W. (Square 2577, Lot 42).

BZA PUBLIC HEARING NOTICE

MARCH 10, 2015

PAGE NO. 2

WARD EIGHT

18945 **Application of Gertha Davis**, pursuant to 11 DCMR § 3104.1 for a special
ANC-8C exception under § 223, not meeting the lot occupancy requirements under §
 403.2, the rear yard setback requirements under § 404.1, the open court
 requirements under § 406.1, and the nonconforming structure requirements under
 § 2001.3, to allow the construction of an addition to an existing single-family
 dwelling in the R-2 District at premises 3655 Horner Place, S.E. (Square 6090,
 Lot 803).

WARD SIX

18911 **Application of Potomac Electric Power Company**, pursuant to 11 DCMR
ANC-6D §§ 3103.2 and 3104.1, for variances from the public space requirements under §
 633, and the off-street parking space requirements under § 2101.1, and a special
 exception from the utilities requirements under § 608.1, to construct a new
 electric substation in the CG/CR District at premises 100 block of Q Street, S.W.
 (Square 603, Lot 809).

PLEASE NOTE:

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

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

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

BZA PUBLIC HEARING NOTICE
MARCH 10, 2015
PAGE NO. 3

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

**LLOYD J. JORDAN, CHAIRMAN, S. KATHRYN ALLEN, VICE CHAIRPERSON,
MARNIQUE Y. HEATH, JEFFREY L. HINKLE AND A MEMBER OF THE ZONING
COMMISSION, CLIFFORD W. MOY, SECRETARY TO THE BZA, SARA A. BARDIN,
DIRECTOR, OFFICE OF ZONING**

**Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 2**

Add a new Chapter 35, the “Walter Reed Zone”:

CHAPTER 35 – WALTER REED ZONE

TABLE OF CONTENTS

Section 3500 General Provisions and Purpose and Intent

Section 3501 WR-1 Zone

Section 3502 WR-2 Zone

Section 3503 WR-3 Zone

Section 3504 WR-4 Zone

Section 3505 WR-5 Zone

Section 3506 WR-6 Zone

Section 3507 WR-7 Zone

Section 3508 WR-8 Zone

Section 3509 [RESERVED]

Section 3510 Height and Rooftop Structures

Section 3511 Streetscape Standards

Section 3512 Use Permissions

Section 3513 Conditional Uses

Section 3514 Special Exception Uses

Section 3515 Prohibited Uses

Sections 3516 – 3529 [RESERVED]

Section 3530 Automobile Parking

Section 3531 Bicycle Parking

Section 3532 Loading

Sections 3533 – 3539 [RESERVED]

Section 3540 Inclusionary Zoning

Section 3541 Green Area Ratio

Section 3542 Planned Unit Developments

Section 3543 Special Exception Relief

Sections 3544 – 3589 [RESERVED]

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 3

Section 3590 Use Groups

Section 3591 Uses – Rule for Interpretation

3500 GENERAL PROVISIONS AND PURPOSE AND INTENT (WR)

3500.1 The purposes of the Walter Reed (WR) Zones are to:

- (a) Provide for the growth of the former Walter Reed Army Medical Center campus with a broad mix of uses, achieved through the adaptive reuse of existing buildings as well as new construction, as generally indicated in the Comprehensive Plan and as recommended by the planning studies of the area;
- (b) Preserve the unique historic architectural and landscape character of the Walter Reed campus as a resource for the adjacent neighborhoods and the District as a whole;
- (c) Reweave the Walter Reed campus into the physical and social fabric of the adjacent neighborhoods by extending the existing street grid into the WR Zone;
- (d) Create a vibrant town center that will provide economic development, employment, and retail opportunities for the District and adjacent neighborhoods;
- (e) Advance sustainability performance with green building techniques and promote innovative energy uses and stormwater management; and
- (f) Accommodate selected uses pursuant to a Base Realignment and Closure Act Notice of Interest process.

3500.2 This chapter shall constitute the Zoning Regulations for the geographic area described by the plat attached to Zoning Commission Order No. 14-22. Where there are conflicts between this Chapter and other chapters or subtitles of this title, the provisions of this chapter shall govern.

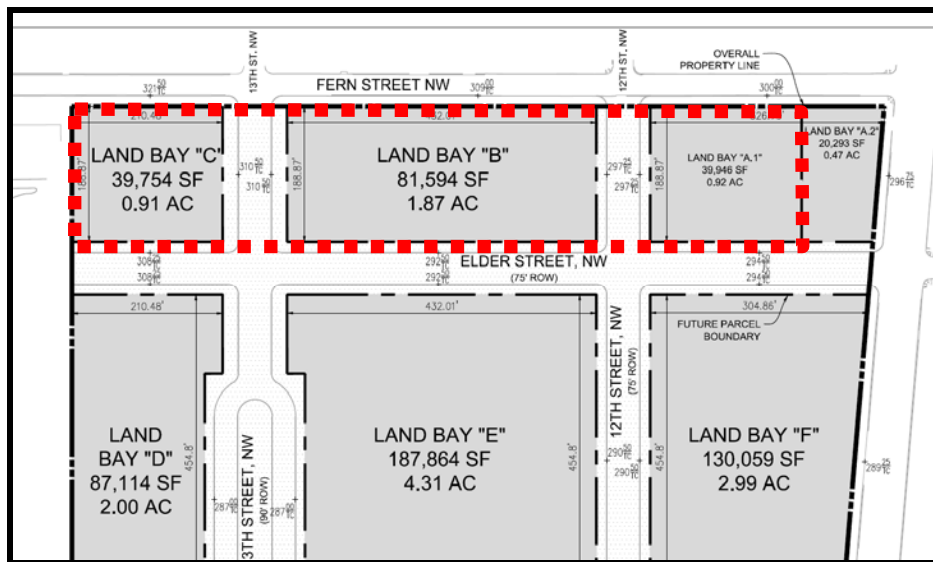
3500.3 The WR Zone is divided into the WR-1 through the WR-8 Zones. Each zone may have one (1) or more subareas, as identified in the development standards table for each zone. Each subarea may be comprised of one (1) or more Land Bays.

3500.4 Land Bays are defined on the plat attached to Zoning Commission Order No. 14-22.

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 4

- 3500.5 Any reference to a street refers to either existing or proposed streets as depicted on the plat attached to Zoning Commission Order No. 14-22.
- 3500.6 Any reference to a building number refers to the buildings as identified in the Walter Reed Army Medical Center Small Area Plan, adopted by the Council of the District of Columbia, April 30, 2013.
- 3500.7 In the WR zone, square footage allocated for streetcar related facilities or for the production of energy, such as co- or tri-generation facilities, do not count against floor area ratio maximums.
- 3500.8 In the WR zone, floor area allocated to a covered loading area, whose perimeter is at least seventy-five percent (75%) lined with other uses, does not count against floor area ratio maximums.

3501 WR-1 ZONE



- 3501.1 The WR-1 Zone is intended to:
- (a) Provide for residential development that complements the character of nearby established residential neighborhoods;
 - (b) Transition from the low- to moderate-scale residential uses north of Fern Street to the medium-density commercial and residential uses proposed for south of Elder Street; and
 - (c) Discourage driveway access directly from the street to private off-street parking.

Z.C. NOTICE OF PUBLIC HEARING
 Z.C. CASE NO. 14-22
 PAGE 5

3501.2 The development standards for the WR-1 Zone are set forth in the following table:

WR-1 (Land Bays A.1, B and C)	Lot Width (min.)	Height (max.)	Stories (max.)	Lot Occupancy (max.)	Pervious Surface (min.)	Side Yard Setback (min.)	Rear Yard Setback (min.)
Lots with any frontage on Fern Street	18 ft.	40 ft. [alt. 50]	3 [alt. 4]	70%	10%	None required; 4 ft. if provided	None required [alt. 20 ft.]
Any other lot	18 ft.	45 ft. [alt. 55]	4 [alt. 5]	70%	10%	None required; 4 ft. if provided	None required [alt. 20 ft.]

3501.3 The maximum number of permitted dwelling units on any lot shall be two (2), which includes both principal and accessory units.

3501.4 For any Inclusionary or affordable residential unit that is administered through the Department of Housing and Community Development, the minimum lot width shall be sixteen feet (16 ft.).

3501.5 For any building fronting on Elder Street, height may be measured from the finished grade at the middle of the front of the building.

3501.6 No building shall be located between Fern and Elder Streets within fifty feet (50 ft.) of the western boundary of the WR Zone.

3501.7 In the WR-1 Zone, no driveway or garage entrance providing access to parking or loading areas shall be permitted from a public or private street.

3501.8 In the WR-1 Zone, any private driveway shall be constructed of pervious materials. This does not apply to a private alley.

3501.9 An addition to a one-family dwelling or flat, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted, even though the addition or accessory structure does not comply with all of the requirements of § 3501.2, as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this subsection.

(a) The addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

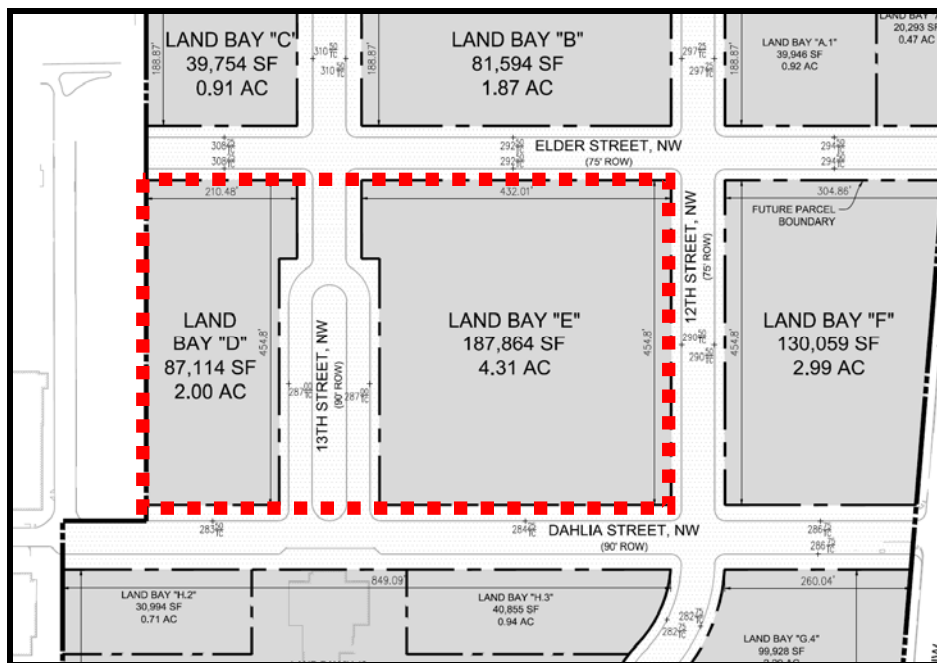
(1) The light and air available to neighboring properties shall not be unduly affected;

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 6

- (2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
 - (3) The addition or accessory structure, together with the original building, 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; and
 - (4) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways;
- (b) The lot occupancy of all new and existing structures on the lot shall not exceed eighty percent (80%); and
 - (c) 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.

3502

WR-2 ZONE



**Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 7**

3502.1 The WR-2 Zone is intended to:

- (a) Create a vibrant and pedestrian-oriented commercial and residential center to serve as a housing, commercial, and retail anchor for the Walter Reed campus, adjacent neighborhoods, and the District.
- (b) Promote an engaging streetscape to activate adjacent uses and users;
- (c) Encourage clear visibility of retail uses along 12th street from Georgia Avenue; and
- (d) Create new passive and active open space amenities to accommodate residential and retail uses.

3502.2 The development standards for the WR-2 Zone are set forth in the following table:

WR-2	Height (max.)	Stories (max.)	Floor Area Ratio (max.)		Residential Lot Occupancy Above the Ground Floor (max.)
			Total	Non-Residential Use	
Land Bay D	85 ft.	7	2.5	1.0	80%
Land Bay E	85 ft.	7	3.75	1.0	80%

3502.3 The non-residential maximum FAR requirement shall be measured per sub-area, as opposed to per building.

3502.4 Ground floor lot occupancy is permitted up to one hundred percent (100%), regardless of use.

3502.5 If less than 1.0 FAR of non-residential uses are developed in Land Bay E, excess non-residential floor area can be transferred to Land Bay K.1 in the WR-3 Zone subject to the requirements of this subsection.

- (a) No more than fifty thousand square feet (50,000 sq. ft.) of non-residential floor area may be transferred;
- (b) The maximum FAR and the maximum non-residential FAR on Land Bay E shall be reduced by the amount of floor area transferred;

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 8

- (c) The maximum FAR and the maximum non-residential FAR on Land Bay K.1 shall be increased by the amount of floor area transferred;
- (d) Before the transfer may occur, the applicant shall record in the Land Records of the District of Columbia a covenant for each property, in a form acceptable to the District, that states the maximum FAR and non-residential FAR permitted as a matter-of-right for both Land Bays, the amount of floor area being transferred, and the resulting maximum FAR and non-residential FAR for both Land Bays; and
- (e) The applicant for any building permit for Land Bays E or K.1 shall submit with the permit application the covenant required by paragraph (d) as well as any and all calculations used to derive the matter-of-right and resulting FARs for the Land Bays.

3502.6 In the WR-2 Zone, no less than seventy percent (70%) of the façade of buildings located along Elder Street, Dahlia Street, 12th Street, and 13th Street shall be built to the property lines abutting the subject street to a height of not less than twenty-five feet (25 ft.), except that:

- (a) The requirements of this subsection shall not apply to the portions of building façades that front on a plaza located along 12th Street;
- (b) The height requirement of this subsection may be reduced to eighteen feet (18 ft.) if the roof immediately above the eighteen foot (18 ft.) façade is occupied by a public or private outdoor terrace; and
- (c) Relief from the build-to requirements of this subsection may be granted by the Board as a special exception subject to the requirements of § 3104, provided that the applicant adequately demonstrates that:
 - (1) The proposed design meets the intent of creating a streetwall along the street in question; and
 - (2) The area set back from the property line does not unduly restrict access by the public by a gate, fence, wall or other barrier.

3502.7 In the WR-2 Zone, all portions of the ground floor devoted to non-residential uses shall be subject to the following requirements:

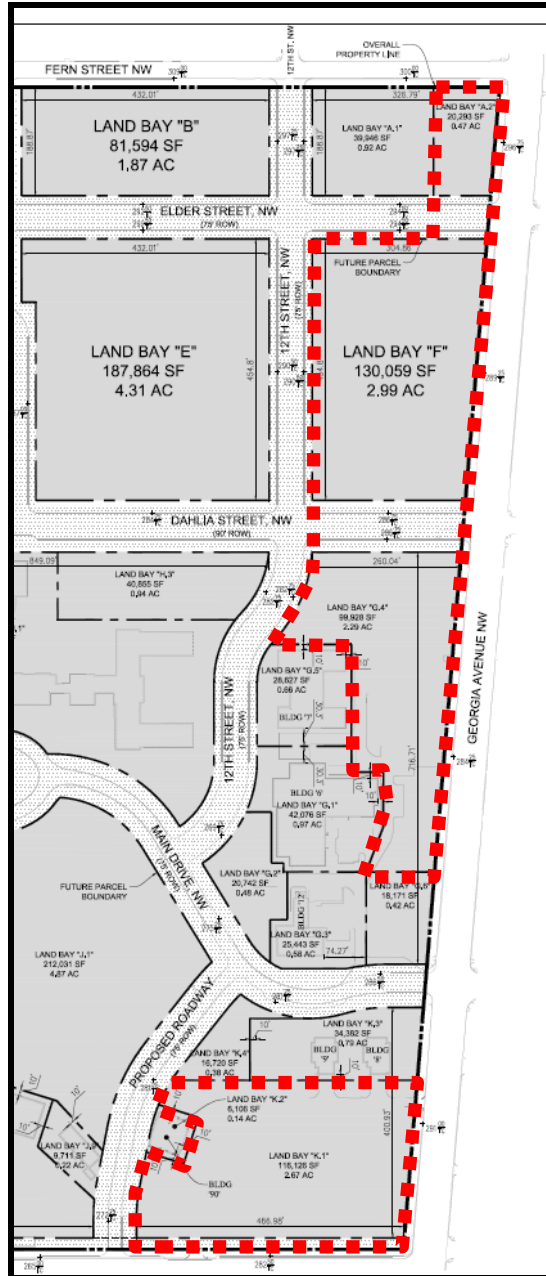
- (a) The minimum floor to ceiling clear height shall be fourteen feet (14 ft.), except for those spaces within the ground floor of any building devoted to the following uses: mechanical, electrical, and plumbing; storage; fire control; loading; parking; and retail corridors; and service corridors;

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 9

- (b) The surface area of any streetwall or wall fronting on a plaza shall devote at least fifty percent (50%) of the surface area of any streetwall at the ground floor to display windows with clear glass or pedestrian entrances;
- (c) Each non-residential use with frontage on a public street or plaza shall have an individual public pedestrian entrance directly accessible from the sidewalk or plaza upon which the use has frontage;
- (d) Pedestrian entrances or areas where future entrances to non-residential uses could be installed without structural changes shall be located no more than an average distance of forty feet (40 ft.) apart on all facades fronting a public street or plaza;
- (e) On 12th Street, no single non-residential occupancy shall occupy more than one hundred (100) consecutive linear feet of ground floor building frontage. On other streets, no single non-residential occupancy shall occupy more than fifty (50) consecutive linear feet of ground floor building frontage; and
- (f) One or more building frontages of a grocery store may be exempt from the requirements of paragraph (e) provided that:
 - (1) The grocery store contains as an ancillary use a café, restaurant or similar use, or a seating area within the grocery store where food and beverages purchased on-site may be consumed;
 - (2) The use described in sub-paragraph (1) is located directly against the subject building frontage;
 - (3) Clear glass allows the plain view of the use from the exterior of the building;
 - (4) The use is open to the public at least during normal grocery store hours; and
 - (5) In no case shall a single non-residential occupancy occupy more than two hundred (200) consecutive linear feet of ground floor building frontage on 12th Street or one hundred feet (100 ft.) on any other street.

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 10

3503 WR-3 ZONE



3503.1 The WR-3 Zone is intended to:

- (a) Provide for moderate- to medium-density commercial and residential development that activates Georgia Avenue frontage through enhanced ground floor retail opportunities, a more uniform street wall, and publically accessible plazas;

Z.C. NOTICE OF PUBLIC HEARING
 Z.C. CASE NO. 14-22
 PAGE 11

- (b) Maintains a sensitive scale of development in relation to properties on the east side of Georgia Avenue as appropriate; and
- (c) Preserve existing and encourage new green and open space to activate site, and to allow for recreation opportunities as appropriate.

3503.2 The development standards for the WR-3 Zone are set forth in the following table:

WR-3	Height (max.)	Stories (max.)	Floor Area Ratio (max.)		Residential Lot Occupancy Above the Ground Floor (max.)	Setbacks
			Total	Non-Residential Use		
Land Bay A.2	70 ft.	5	3.5	1.0	80%	n/a
Land Bay F	See § 3503.3	6	1.75	1.0	80%	n/a
Land Bay G.4	75 ft.	6	3.0	1.0	80%	n/a
Land Bay K.1	70 ft.	5	2.75	1.0	80%	See § 3503.7

3503.3 For Land Bay F, the maximum height of buildings or structures shall be sixty feet (60 ft.) within one hundred feet (100 ft.) of Georgia Avenue, and seventy-five feet (75 ft.) elsewhere.

3503.4 For Land Bays F, G.4 and K.1, the non-residential maximum FAR requirement shall be measured by sub-area, as opposed to per building.

3503.5 Ground floor lot occupancy is permitted up to one hundred percent (100%), regardless of use, and except as limited by § 3503.10.

3503.6 Non-residential uses or building entrances to any use shall occupy one hundred percent (100%) of the ground floor building façades facing the plaza constructed pursuant to § 3503.10.

3503.7 In Land Bay K.1, any new construction shall be set back no less than twenty feet (20 ft.) from the Aspen Street property line as it exists as of January 1, 2015.

3503.8 In the WR-3 Zone, no less than seventy percent (70%) of the façade of buildings located along Fern Street, Elder Street, Dahlia Street, Aspen Street and Georgia

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 12

Avenue shall be built to the property lines abutting the subject street right-of-way to a height of not less than twenty-five feet (25 ft.), except that:

- (a) The requirements of this subsection shall not apply to the portions of building façades that front on a plaza established pursuant to § 3503.10;
- (b) The height requirement of this subsection may be reduced to eighteen feet (18 ft.) if the roof immediately above the eighteen foot (18 ft.) façade is occupied by a public or private outdoor terrace; and
- (c) Relief from the build-to requirements of this subsection may be granted by the Board as a special exception subject to the requirements of § 3104, provided that the applicant adequately demonstrates that:
 - (1) The proposed design meets the intent of creating a streetwall along the street in question; and
 - (2) The area set back from the property line does not unduly restrict access by the public by a gate, fence, wall or other barrier.

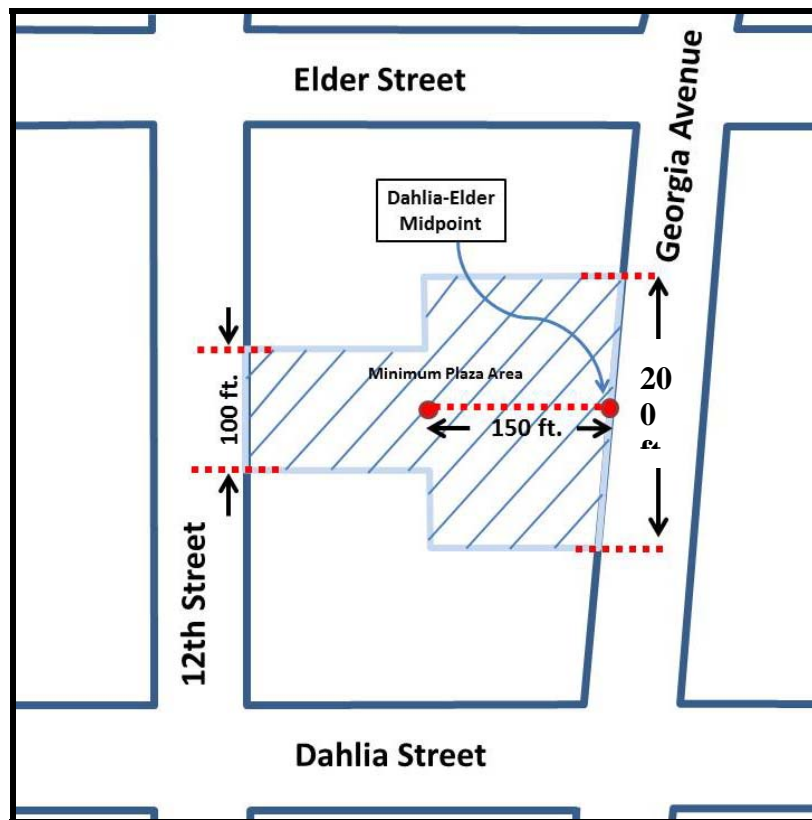
3503.9 In the WR-3 Zone, all portions of the ground floor devoted to non-residential uses shall be subject to the following requirements:

- (a) The minimum floor to ceiling clear height shall be fourteen feet (14 ft.), except for those spaces within the ground floor of any building devoted to the following uses: mechanical, electrical, and plumbing; storage; fire control; loading; parking; and retail corridors and service corridors;
- (b) The surface area of any streetwall or wall fronting on a plaza shall devote at least fifty percent (50%) of the surface area of any streetwall at the ground floor to display windows with clear glass or pedestrian entrances;
- (c) Each non-residential use with frontage on a public street or plaza shall have an individual public pedestrian entrance directly accessible from the sidewalk or plaza upon which the use has frontage; and
- (d) Pedestrian entrances or areas where future entrances to non-residential uses could be installed without structural changes shall be located no more than an average distance of forty feet (40 ft.) apart on all facades fronting a public street or plaza.

3503.10 In Land Bay F a plaza shall be provided which meets the following criteria of this subsection:

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 13

- (a) No part of a building above grade shall cover the areas described below, as illustrated in the diagram below. The resulting plaza is the minimum open space, and building façades need not front immediately upon or follow the boundaries of the prescribed open space:
 - (1) The central two hundred feet (200 ft.) of the frontage on Georgia Avenue between Dahlia and Elder Streets to a depth of one hundred feet (150 ft.) west of Georgia Avenue, with the depth measured at the midpoint between Dahlia and Elder Streets and drawn parallel to Dahlia and Elder Streets; and
 - (2) The central one hundred feet (100 ft.) of frontage on 12th Street between Dahlia and Elder Streets and extending east to connect to the open space described in § 3503.10(a)(1).

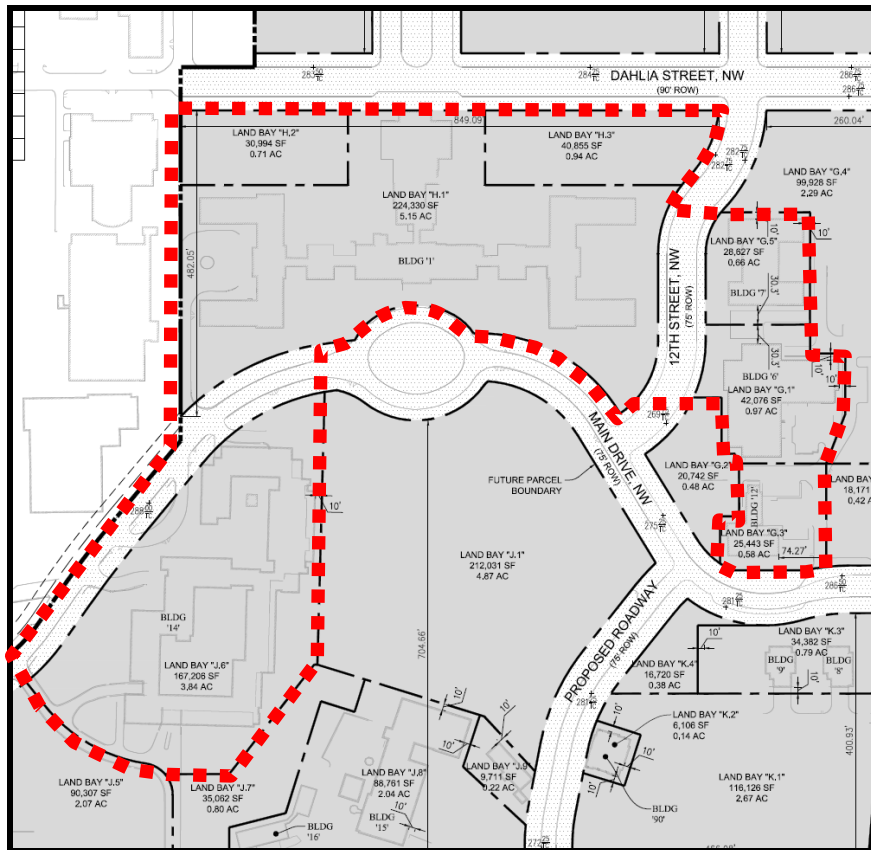


- (b) The open space described in § 3503.10(a) shall constitute a plaza that must:
 - (1) Be open to the sky;
 - (2) Be open and available to the general public on a continuous basis;

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 14

- (3) Be lighted and landscaped;
- (4) Preserve at least 90% of the existing mature, healthy trees; and
- (5) Provide at least 50% pervious surface, including any water feature.

3504 WR-4 ZONE



3504.1 The WR-4 Zone is intended to:

- (a) Provide for moderate density commercial and residential development that adaptively reuses and sensitively develops proximate to historic resources.

3504.2 The development standards for the WR-4 Zone are set forth in the following table:

Z.C. NOTICE OF PUBLIC HEARING
 Z.C. CASE NO. 14-22
 PAGE 15

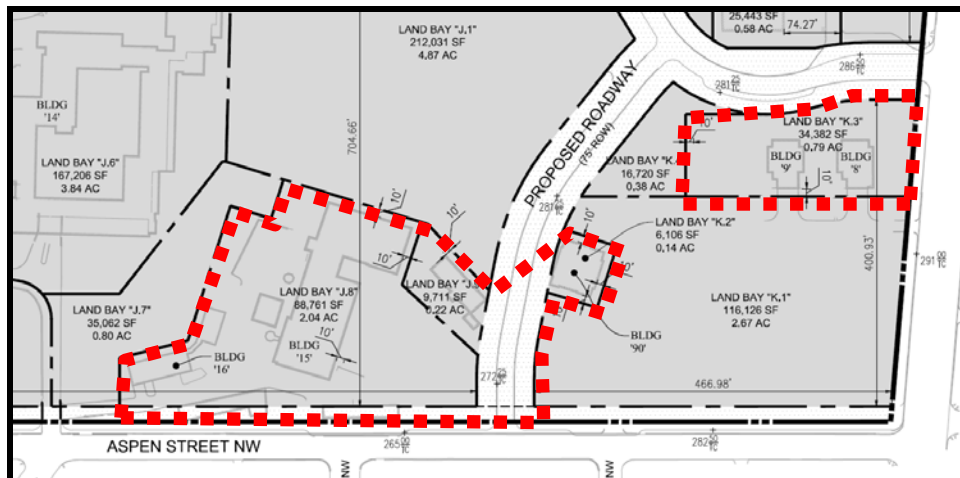
WR-4	Height (max.)	Stories (max.)	Floor Area Ratio (max.)	Lot Occupancy (max.)	Setbacks
Land Bay H.1	40 ft.	3	1.0	60%	See § 3504.3
Land Bays H.2 and H.3	40 ft.	3	2.0	100%	See § 3504.3
Land Bays G.1 and G.5	50 ft.	4	1.75	75%	n/a
Land Bay G.3	40 ft.	4	0.9	60%	See § 3504.4
Land Bay J.6	55 ft.	4	1.15	50%	n/a

3504.3 In Land Bays H.1, H.2 and H.3, no building or portion of a building shall be constructed east of the easternmost point of existing Building 1.

3504.4 In Land Bay G.3, no building or portion of a building shall be constructed south of the southernmost point of existing Building 12.

3504.5 In Land Bay H.3, no surface parking lot is permitted east of the easternmost point of existing Building 1.

3505 WR-5 ZONE



Z.C. NOTICE OF PUBLIC HEARING
 Z.C. CASE NO. 14-22
 PAGE 16

- 3505.1 The WR-5 Zone is intended to:
- (a) Provide moderate-density residential and commercial development that also supports arts and cultural uses; and
 - (b) Encourage continuous east/west green connections and passive and active recreation opportunities.

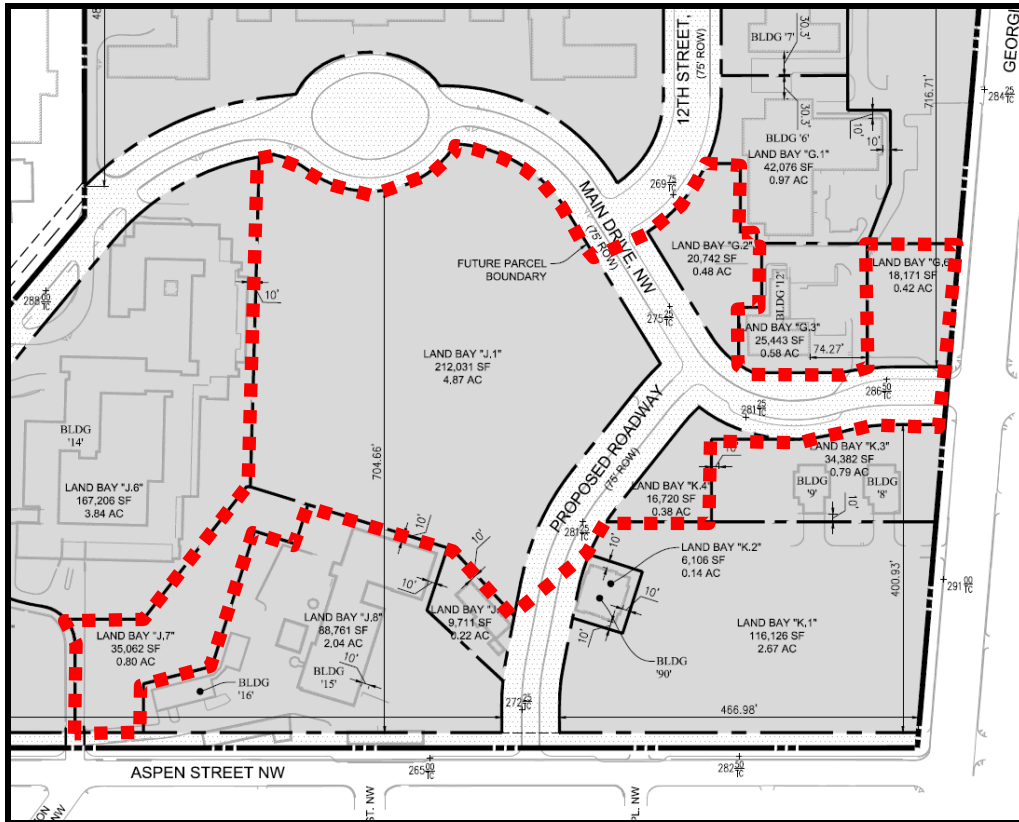
3505.2 The development standards for the WR-5 Zone are set forth in the following table:

WR-5	Height (max.)	Stories (max.)	FAR (max.)	Lot Occupancy (max.)	Setbacks
Land Bay K.3	50 ft.	4	1.0	35%	See § 3505.3
Land Bays J.9 and K.2	35 ft.	2	0.75	75%	n/a
Land Bay J.8	35 ft.	2	0.4	40%	See § 3505.4

- 3505.3 In Land Bay K.3, no building or portion of a building shall be constructed north of the northernmost point of existing Buildings 8 or 9, or east of the easternmost portion of Building 8.
- 3505.4 In Land Bay J.8, any new construction shall be set back no less than twenty feet (20 ft.) from the Aspen Street property line as it exists on January 1, 2015. Existing buildings may be renovated and adaptively reused, even if within the setback area.
- 3505.5 For new construction in Land Bay J.8, all portions of the ground floor devoted to non-residential uses shall have a minimum floor to ceiling height of fourteen feet (14 ft.), except for those spaces within the ground floor of any building devoted to the following uses: mechanical, electrical, and plumbing; storage; fire control; loading; parking; and retail corridors and service corridors.

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 17

3506 WR-6 ZONE



3506.1 The WR-6 Zone is intended to:

- (a) Preserve the unique character of the Great Lawn and maintain the campus atmosphere at the heart of the historic Walter Reed campus, including the landscaped entrances to the WR Zone around Main Drive and East and West Cameron Drives;
- (b) Assure that the Great lawn’s permanent use is for its primary natural function as well as for enjoyment by the general public; and
- (c) Encourage continuous east/west green connections.

3506.2 The development standards for the WR-6 Zone are set forth in the following table:

Z.C. NOTICE OF PUBLIC HEARING
 Z.C. CASE NO. 14-22
 PAGE 19

- (c) Encourage open and green space suitable for sustainable infrastructure and amenities as appropriate.

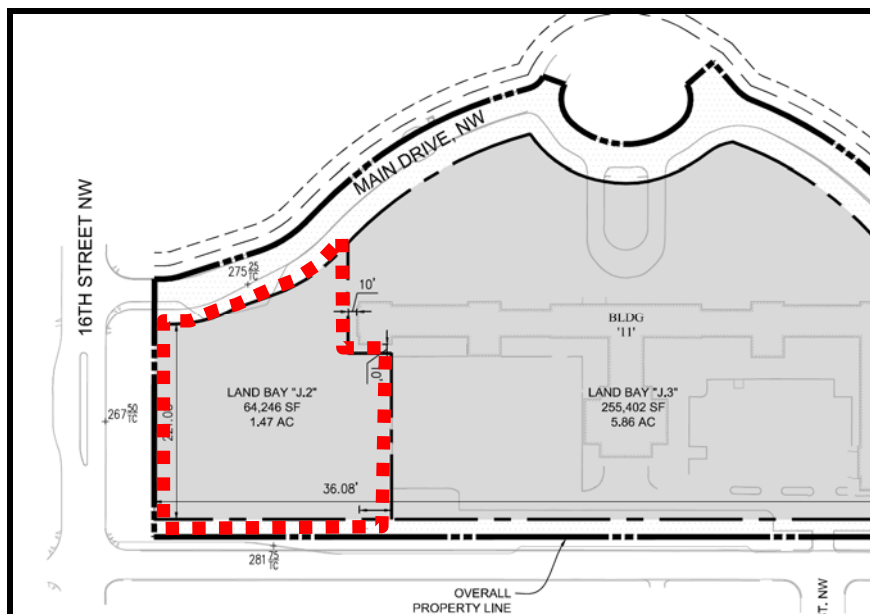
3507.2 The development standards for the WR-7 Zone are set forth in the following table:

WR-7	Height (max.)	Stories (max.)	FAR (max.)	Lot Occupancy (max.)	Setbacks
Land Bay J.5	55 ft.	5	1.25	50%	See § 3507.3
Land Bay J.4	25 ft.	2	1.0	50%	See § 3507.3
Land Bay J.3	45 ft.	4	0.75	40%	See § 3507.3 See § 3507.4

3507.3 In the WR-7 Zone, any new construction shall be set back no less than twenty feet (20 ft.) from the Aspen Street property line as it exists on January 1, 2015.

3507.4 In Land Bay J.3, no building or portion of a building shall be constructed north of the northernmost point of existing Building 11.

3508 WR-8 ZONE



Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 20

3508.1 The WR-8 Zone is intended to:

- (a) Provide medium-density residential development that is sensitive to existing development on the south side of Aspen Street; and
- (b) Encourage open and green space suitable for sustainable infrastructure and amenities as appropriate.

3508.2 The development standards for the WR-8 Zone are set forth in the following table:

WR-8	Height (max.)	Stories (max.)	FAR (max.)	Lot Occupancy (max.)	Setbacks
Land Bay J.2	See § 3508.3	5	3.25	80%	See §3508.4

3508.3 In the WR-8 Zone, the maximum height of buildings or structures shall be as follows:

- (a) Within twenty-five feet (25 ft.) of the setback specified in § 3508.4, fifty feet (50 ft.) above the finished grade at the middle of the Aspen Street building façade; and
- (b) Elsewhere, sixty-five feet (65 ft.) as measured from whichever measuring point is chosen for the building for the purpose of measuring height.

3508.4 In the WR-8 Zone, any new construction shall be set back no less than twenty feet (20 ft.) from the Aspen Street property line, as it exists on January 1, 2015.

3510 [RESERVED]

3511 HEIGHT AND ROOFTOP STRUCTURES (WR)

3510.1 For the purposes of applying general zoning requirements of this Title:

- (a) The WR-1, WR-7, and WR-8 Zones shall be considered Residence zones and shall be subject to § 411; and
- (b) The WR-2, WR-3, WR-4, WR-5, and WR-6 Zones shall be considered Mixed-Use or Commercial Zones and shall be subject to § 770.6- 70.9 and 777.

**Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 21**

3510.2 In the WR Zone, the point chosen for measurement of height shall conform to the other provisions of this Title, except that the point may be on either a public or private street.

3512 STREETScape STANDARDS (WR)

3511.1 In all WR Zones, all buildings are subject to the following design requirements:

- (a) Façades that front on public or private streets or plazas shall not have blank walls uninterrupted for more than ten (10) feet by doors, windows or architectural features that modulate and articulate the building wall planes. Projections permitted into the public right of way by other regulations shall satisfy this requirement; and
- (b) Security grilles shall have no less than seventy percent (70%) transparency.

3512 USE PERMISSIONS (WR)

3512.1 This table specifies which use groups, defined in § 3590, are permitted by right (P), by right with conditions (C), as a special exception (S), or not permitted (N) within the WR Zones as either a principal or accessory use:

Zone Use Category	WR-1	WR-2	WR-3	WR-4	WR-5	WR-6	WR-7	WR-8
Agriculture, large	P	P	P	P	P	P	P	P
Agriculture, residential	P	P	P	P	P	P	P	P
Animal Sales, Care and Boarding	N	S §3514.3	S §3514.3	S §3514.3	S §3514.3	N	N	N
Antennas	C §3513.2	C §3513.2	C §3513.2	C §3513.2	C §3513.2	N	C §3513.2	C §3513.2
Arts Design and Creation	C §3513.3	P	P	P	P	P	P	C §3513.3
Basic Utilities	P	P	P	P	P	P	P	P
Chancery	P	P	P	P	P	N	P	P
Community-based Institutional Facility	S §3514.7	S §3514.7	S §3514.7	S §3514.7	S §3514.7	N	S §3514.7	S §3514.7

Z.C. NOTICE OF PUBLIC HEARING
 Z.C. CASE NO. 14-22
 PAGE 22

Zone Use Category	WR-1	WR-2	WR-3	WR-4	WR-5	WR-6	WR-7	WR-8
Daytime Care	C §3513.5	C §3513.6 S §3514.4	C §3513.6 S §3514.4	C §3513.6 S §3514.4	C §3513.6 S §3514.4	N	C §3513.6 S §3514.4	C §3513.6 S §3514.4
Eating and Drinking Establishments	N	C §3513.7 S §3514.5	C §3513.7 S §3514.5	C §3513.7 S §3514.5	C §3513.7 S §3514.5	P	N	N
Education, College/University	N	P	P	P	P	N	C §3414.8	N
Education, Private	N	P	P	P	P	N	C §3414.8	N
Education, Public	N	P	P	P	P	N	C §3414.8	N
Emergency Shelter	C §3513.4 S §3514.6	C §3513.4 S §3514.6	C §3513.4 S §3514.6	C §3513.4 S §3514.6	C §3513.4 S §3514.6	N	C §3513.4 S §3514.6	C §3513.4 S §3514.6
Entertainment, Assembly and Performing Arts	N	P	P	P	P	P	N	N
Firearm Sales	N	N	N	N	N	N	N	N
Government, Large	N	N	N	N	N	N	N	N
Government, Local	N	P	P	P	P	N	N	N
Institutional, General	N	P	P	P	P	N	P	P
Institutional, Religious-Based	P	P	P	P	P	P	P	P
Lodging	N	P	P	P	P	N	N	N
Marine	N	N	N	N	N	N	N	N
Medical Care	N	P	P	P	P	N	P	P
Motor Vehicle-related	N	N	N	N	N	N	N	N
Office	N	P	P	P	P	N	N	N
Parking	C §3513.9	C §3513.9	C §3513.9	C §3513.9	C §3513.9	N	C §3513.9	C §3513.9
Parks and Recreation	P	P	P	P	P	P	P	P
Production, Distribution and Repair	N	N	N	N	N	N	N	N
Residential	P	P	P	P	P	N	P	P

Z.C. NOTICE OF PUBLIC HEARING
 Z.C. CASE NO. 14-22
 PAGE 23

Zone Use Category	WR-1	WR-2	WR-3	WR-4	WR-5	WR-6	WR-7	WR-8
Retail	C §3513.10	P	P	P	P	P	C §3513.10	C §3513.10
Service, Financial	N	P	P	P	P	N	N	N
Service, General	N	C §3513.11	C §3513.11	C §3513.11	C §3513.11	N	N	N
Sexually-based Business Establishment	N	N	N	N	N	N	N	N
Transportation Infrastructure	P	P	P	P	P	P	P	P
Waste-related Services	N	N	N	N	N	N	N	N

3512.2 For the purposes of the WR Zone, a community garden or playground managed by a non-profit organization or homeowners’ association shall be considered a use in the Parks and Recreation use group provided the community garden or playground is open to the public.

3512.3 A home occupation use, including a business, profession, or other economic activity, which is conducted full-time or part-time in a dwelling unit that serves as the principal residence of the practitioner, shall be permitted subject to the following conditions:

- (a) The home occupation use shall comply with the requirements of § 203 of this Title; and
- (b) The home occupation use is not within a dwelling unit in an accessory building.

A home occupation use not meeting all of the above conditions may be permitted as a special exception by the Board under § 3104 of this Title.

3513 CONDITIONAL USES (WR)

3513.1 The following conditions shall apply to the by right with conditions (C) uses in § 3512.

3513.2 Antennas shall be permitted subject to the standards and procedures that apply to the particular class of antenna in Chapter 27 of this Title, which shall be applied to the WR Zone as follows:

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 24

- (a) The WR-1, WR-7, and WR-8 Zones shall be considered Residential/R Zones; and
- (b) The WR-2, WR-3, WR-4, WR-5, and WR-6 Zones shall be considered as C-2-A Zones.

3513.3 An arts design and creation use shall be permitted if it is clearly incidental to and accessory to the primary residential use, and subject to the following:

- (a) The practitioner of the arts design and creation use must reside on the premises;
- (b) All operations and storage of materials shall occur inside the building;
- (c) Incidental sales of art work or other craft produced on site shall be permitted within the dwelling; and
- (d) The practitioner may teach the art to one or more apprentices.

3513.4 An emergency shelter for one (1) to four (4) persons shall be a matter-of-right use. An emergency shelter for more than four (4) persons may be permitted as a special exception pursuant to § 3514.6.

3513.5 In the WR-1 Zone, daytime care uses shall be permitted by right subject to the following conditions:

- (a) The dwelling unit in which the use is located shall be the principal residence of the caregiver; and
- (b) The use otherwise shall meet the definition of a home occupation.

3513.6 Daytime care uses shall be permitted by right subject to the following conditions in the WR-2, WR-3, WR-4, WR-5, WR-7, and WR-8 Zones:

- (a) A daytime care use is permitted by right for no more than twenty-five (25) persons not including resident supervisors or staff and their families;
- (b) Any outdoor play area shall be located on the same lot as the daytime care use; and
- (c) Daytime care uses not meeting the above conditions may be permitted by special exception subject to § 3514.4 and the special exception criteria of § 3104.

**Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 25**

- 3513.7 All eating and drinking establishment uses shall be permitted by right except that:
- (a) A drive-through shall not be permitted; and
 - (b) Fast food establishments and fast food delivery services may be permitted by special exception pursuant to § 3514.5 and if approved by the Board as a special exception under § 3104.
- 3513.8 Education (public, private, college/university) uses shall be permitted in the WR-7 Zone only on Land Bay J.3.
- 3513.9 Parking shall be permitted by right provided that all off-street parking is provided in compliance with the provisions of § 3530;
- 3513.10 A sale in the nature of a yard sale, garage sale, or home sales party may be held at a dwelling unit at most four (4) times during a twelve (12) month period.
- 3513.11 Service, general uses shall be permitted by right subject to laundry or dry cleaning facility shall not exceed twenty-five hundred square feet (2,500 s.f.) of gross floor area.

3514 SPECIAL EXCEPTION USES (WR)

- 3514.1 The uses listed as requiring special exception approval (S) in § 3512 shall be permitted in a WR Zone if approved by the Board as a special exception under § 3104, subject to the provisions of this section.
- 3514.2 The Board may impose additional requirements pertaining to design, appearance, screening, lighting, location of buildings, soundproofing, hours of operation or other aspects of the proposed use that the Board deems necessary to protect adjacent or nearby property.
- 3514.3 Animal sales, care, and boarding shall be subject to the following conditions:
- (a) The use shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste, and shall comply with the following requirements:
 - (1) The use shall take place entirely within an enclosed and soundproofed building so as to produce no noise, shall utilize industry standard sound-absorbing materials, such as acoustical floor and ceiling panels, acoustical concrete and masonry, and acoustical landscaping, and shall keep the windows and doors of the premises closed;

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 26

- (2) The use shall control odors by means of an air filtration system or an equivalently effective odor control system; and
- (3) The use shall collect all animal waste in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly;
- (b) External yards or other external facilities for the keeping of animals shall not be permitted;
- (c) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses, but not as an independent line of business;
- (d) A veterinary hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808(h)(1), except domesticated dogs, provided that no more than fifty percent (50%) of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals; and
- (e) Animal Shelters are prohibited in the WR Zone.

3514.4 Daytime care uses not meeting the conditions of § 3513.6 shall be permitted only if the Board grants a special exception per § 3104 subject to the following conditions:

- (a) The facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance; and
- (b) Any off-site play area shall be located so as not to endanger individuals traveling between the play area and the center or facility.

3514.5 Fast food establishment and fast Food Delivery Services may be approved by the Board pursuant to § 3104, subject to the following conditions:

- (a) No part of a lot on which a fast food establishment or food delivery business is located shall be within twenty-five feet (25 ft.) of a Residential Zone, including WR-1, WR-7, and WR-8, unless separated therefrom by a street or alley;
- (b) Any outdoor refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater, with the entrance to the enclosure including an opaque gate;

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 27

- (c) The use shall not include a drive-through;
- (d) There shall be no customer entrance in the side or rear of a building that faces an alley containing a zone boundary line for a Residential Zone;
- (e) There shall be adequate facilities to allow deliveries to be made and trash to be collected without obstructing public rights-of-way or unreasonably obstructing parking spaces, aisles, or driveways on the site;
- (f) The use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation; and
- (g) The use shall be located and designed so as to create no dangerous or other objectionable traffic conditions.

3514.6 Emergency Shelter use for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the following conditions:

- (a) There shall be no other property containing an emergency shelter for seven (7) or more persons either in the same square or within a radius of five hundred feet (500 ft.) from any portion of the property;
- (b) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility;
- (c) The proposed facility shall meet all applicable code and licensing requirements;
- (d) The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area;
- (e) The Board may approve more than one (1) emergency shelter in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations; and
- (f) The Board may approve a facility for more than twenty-five (25) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District.

**Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 28**

- 3514.7 Community-based institutional facilities (CBIF) for one (1) to twenty (20) persons, not including resident supervisors or staff and their families subject to the following conditions:
- (a) There shall be no other property containing a CBIF for seven (7) or more persons in the same square;
 - (b) There shall be no other property containing a CBIF for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property;
 - (c) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility;
 - (d) The proposed facility shall meet all applicable code and licensing requirements;
 - (e) The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area; and
 - (f) The Board may approve more than one (1) community-based institutional facility in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.

3515 PROHIBITED USES (WR)

- 3515.1 In addition to the use groups listed in the table in § 3512 as not permitted, the following uses are prohibited in the WR Zone as both principal and accessory uses:
- (a) Drive-through or drive-in, as either a principal or accessory use;
 - (b) Any establishment that has as its principal use the administration of massages; and
 - (c) Self-service storage establishment that provides separate storage areas for individual or business uses.
- 3515.2 Any use not listed in the table in § 3512 as permitted by right or otherwise permitted by conditions, special exception or as an accessory or home occupation in this section/chapter shall be deemed to be not permitted unless determined by

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 29

the Zoning Administrator to be compatible with like permitted uses and consistent with the general use impacts of permitted uses.

3516 – 3529 [RESERVED]

3530 AUTOMOBILE PARKING (WR)

3530.1 The cumulative total of all automobile parking spaces, including below-grade, surface, and above-grade structured parking, shall not exceed a total of three thousand four hundred (3,400) parking spaces.

3530.2 Each application to the Department of Consumer and Regulatory Affairs for a development that includes parking shall provide an accounting of the total number of parking spaces within the WR Zone which count towards the parking space limit of § 3530.1.

3530.3 Parallel parking spaces on a private street shall not count toward the limit of § 3530.1, provided they are open to use by the public and not reserved for a particular or private use.

[Alternative: Parallel parking spaces on a private street do count toward the limit of § 3530.1.]

3530.4 Parking spaces dedicated for use by a car-sharing service shall not count toward the limit of § 3530.1.

3530.5 Additional parking spaces beyond the limit of § 3530.1 shall be permitted by special exception by the Board of Zoning Adjustment pursuant to § 3104 and provided that the applicant addresses compliance with the following standards:

- (a) The application shall include:
- (1) A detailed accounting of the existing and proposed number and locations of parking spaces provided pursuant to § 3530.1;
 - (2) A traffic study assessing the impacts of the proposed additional parking spaces that would, at a minimum, include an updated trip generation study, parking occupancy study for the entire site, and impacts on local traffic patterns, for referral to and comment by the District Department of Transportation (DDOT). The parameters of the analysis shall be outlined by DDOT prior to the application; and

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 30

(3) A transportation demand management (TDM) plan, for referral to and comment by DDOT. The parameters of the analysis shall be outlined by DDOT prior to the application.

(b) Vehicular access and egress to the additional parking will be located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, function efficiently, and create no dangerous or otherwise objectionable traffic conditions.

3530.6 For any application pursuant to § 3530.4:

(a) The Board shall judge, balance, and reconcile the need for additional on-site parking against any adverse impacts the presence of the parking will have on traffic, and the aesthetics and development of the surrounding neighborhood; and

(b) The Board may impose requirements pertaining to design, appearance, signs, massing, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the WR Zone.

3530.7 Parking spaces need not be located on the same lot as the building or buildings they are intended to serve, but must be located within the WR Zone.

3530.8 Parking spaces may be shared among more than one use, whether the uses are on the same lot or on separate lots. A parking space that is shared among more than one use shall be subject to the following conditions:

(a) The parking space and the uses shall all be within the WR Zone;

(b) The parking space shall not serve as required parking for any other use during the days and times each use the space serves is in operation;

(c) A written agreement assigning the parking space to each use, stating compliance with § 3530.9(b), shall be signed by the owner of the parking space and the owner of each use requiring the parking space;

(d) The final, original written agreement shall be filed with the Zoning Administrator prior to the issuance of the first certificate of occupancy for the use;

(e) Any amendment or successor agreement must be filed no later than ten (10) days following execution by the parties; and

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 31

(f) The Zoning Administrator shall maintain a file of all written agreements and amendments for each lot containing a parking space shared between multiple uses and for the lots sharing the parking space.

3530.9 Parking spaces shall not be located between a street right-of-way line and the more restrictive of either a building façade or a line extending from and parallel to a building façade. A building used solely as a parking attendant shelter shall not trigger this restriction. Notwithstanding the restriction of this subsection, the existing surface parking lot south of Building 11 may remain, but shall not be expanded in size.

3530.10 Parking spaces within an above-grade structure shall be lined with preferred uses on the ground and second floors to a depth of fifteen feet (15 ft.) minimum, except the portions of the building façade used for vehicular, bicycle or pedestrian access to the parking area. For the purposes of this subsection, preferred uses shall include any use from the arts design and creation; eating and drinking establishments; office; residential; retail; service, general; and service, financial use groups.

3530.11 All parking spaces, other than mechanical parking spaces, shall be accessible at all times from a driveway accessing either an improved street or an improved alley or alley system with a minimum width of ten feet (10 ft.). Parking spaces provided within or accessed by a mechanized parking system need not meet the accessibility requirement of this subsection as long as the mechanized parking system does.

3530.12 New parking spaces and drive aisles shall be designed in accordance with the standards of 11 DCMR Chapter 21 of this title.

3530.13 Approval of a driveway under this chapter shall not be interpreted to imply permission for a curb cut in public space. All curb cuts in public space shall obtain all necessary approvals and permissions.

3531 BICYCLE PARKING (WR)

3531.1 When bicycle parking spaces are required, signs shall be posted in a prominent place at each entrance to the building or structure stating where bicycle parking spaces are located.

3531.2 A property owner shall provide and maintain all required bicycle parking spaces so long as the structure that the bicycle parking spaces are designed to serve exists. Maintenance of required bicycle parking spaces shall include keeping all racks and spaces clear of snow, ice, and any other obstructions.

**Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 32**

3531.3 Where required bicycle parking is provided as racks, the racks must meet the following standards:

- (a) The bicycle frame and one wheel can be locked to the rack with a high security U-shaped shackle lock without removing a wheel from the bicycle;
- (b) A bicycle six feet (6 ft.) long can be securely held with its frame supported in at least two (2) places so that it cannot be pushed over or fall in a manner that would damage the wheels or components;
- (c) Racks shall be placed a minimum of thirty inches (30 in.) on center from one another; twenty-four inches (24 in.) from any other obstructions; with a forty-eight inch (48 in.) minimum aisle separating racks; and provide a minimum clearance width of twelve inches (12 in.) for each bicycle; and
- (d) The rack shall be securely anchored.

3531.4 Each required bicycle parking space shall be accessible without moving another bicycle.

3531.5 Bicycle parking spaces shall be provided as stated in this subsection.

- (a) All residential uses with eight (8) or more dwelling units and non-residential uses with four thousand square feet (4,000 sq. ft.) or more of gross floor area shall provide bicycle parking spaces pursuant to the following table:

Use	Long-Term Spaces	Short-Term Spaces
Agriculture, Large	None	2 spaces
Agriculture, Residential	None	None
Animal Sales, Care and Boarding	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Antennas	None	None
Arts Design and Creation	1 space for each 10,000 sq. ft.	1 space for each 20,000 sq. ft.
Basic Utilities	1 space for each 20,000 sq. ft.	None
Chancery	1 space for each 5,000 sq. ft.	1 space for each 40,000 sq. ft.
Community-Based Institutional Facility	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Daytime Care	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Eating and Drinking Establishment	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Education, College / University	1 space for each 7,500 sq. ft.	1 space for each 2,000 sq. ft.
Education, Private School	1 space for each 7,500 sq. ft.	1 space for each 2,000 sq. ft.

Z.C. NOTICE OF PUBLIC HEARING
 Z.C. CASE NO. 14-22
 PAGE 33

Education, Public	1 space for each 7,500 sq. ft.	1 space for each 2,000 sq. ft.
Emergency Shelter	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Entertainment, Assembly, and Performing Arts	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Firearm Sales	1 space for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Government, Large-Scale	1 for each 7,500 sq. ft.	1 space for each 40,000 sq. ft. but no less than 6 spaces
Government, Local	1 for each 7,500 sq. ft.	1 space for each 40,000 sq. ft. but no less than 6 spaces
Medical Care	1 space for each 10,000 sq. ft.	1 space for each 40,000 sq. ft.
Institutional, General	1 space for each 7,500 sq. ft.	1 space for each 2,500 sq. ft. but no less than 8 spaces
Institutional, Religious	1 space for each 7,500 sq. ft.	1 space for each 2,500 sq. ft. but no less than 8 spaces
Lodging	1 space for each 10,000 sq. ft.	1 space for each 40,000 sq. ft.
Marine	None	1 space for each 3,500 sq. ft.
Motor Vehicle-related	1 space for each 20,000 sq. ft.	1 space for each 10,000 sq. ft.
Office	1 for each 2,500 sq. ft.	1 space for each 40,000 sq. ft.
Parking	None	None
Parks and Recreation	None	1 space for each 10,000 sq. ft. but no less than 6 spaces
Production, Distribution, & Repair	1 space for each 20,000 sq. ft.	None
Residential House Residential Flat	None	None
Residential Apartment	1 space for each 3 dwelling units	1 space for each 20 dwelling units
Retail	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Service, General	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Service, Financial	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Sexually-based Business Establishment	1 for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Transportation Infrastructure	None	None
Waste-related Services	1 space for each 20,000 sq. ft.	None

- (b) After the first fifty (50) bicycle parking spaces are provided for a use, additional spaces are required at one half (1/2) the ratio specified in § 802.1;
- (c) Notwithstanding §§ 3531.5(a) and (b), no property shall be required to provide more than one hundred (100) short-term bicycle parking spaces. All properties with a long-term bicycle parking requirement shall provide at least two (2) long-term spaces, and all properties with a short-term requirement shall provide at least two (2) short-term spaces. The bicycle

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 34

parking standards of this chapter shall be met when a new building is constructed;

- (d) When a property changes use categories or adds a use category, the property shall add any bicycle parking spaces necessary to meet the requirements for the new use. However, historic resources shall not be required to provide additional bicycle parking spaces for a change in use when the gross floor area of the building is not expanded;
- (e) An addition to an existing building, or the expansion of a use within a building, triggers additional bicycle parking requirements only when the gross floor area of the building or use is expanded or enlarged by twenty-five percent (25%) or more beyond the gross floor area on [enactment date of amendment], or in the case of a new building, the gross floor area used to calculate the initial parking requirement. The additional minimum parking required shall be calculated based upon the entire gross floor area added;
- (f) Additions to historic resources shall be required to provide additional bicycle parking spaces only for the addition's gross floor area and only when the addition results in at least a fifty percent (50%) increase in gross floor area beyond the gross floor area existing on the effective date of this title;
- (g) If a use operates solely outside of a building, any expansion of that use shall conform to the applicable bicycle parking standards;
- (h) Uses governed by a campus plan are subject to the bicycle parking requirements approved by the Zoning Commission and are not subject to the bicycle parking requirements otherwise applicable; and
- (i) When there is more than one use on a lot, the number of bicycle parking spaces provided must equal the total required for all uses. If a single use falls into more than one use category for which different bicycle parking minimums apply, the standard that requires the greater number of bicycle parking spaces shall apply.

3531.6 The amount of bicycle parking shall be calculated pursuant to the rules of this subsection.

- (a) All bicycle parking standards shall be calculated on the basis of gross floor area, except for Residential uses, which base bicycle parking standards on the number of dwelling units;

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 35

- (b) For purposes of calculating bicycle parking standards, gross floor area does not include floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; and
- (c) Calculations of bicycle parking spaces that result in a fractional number of one half (0.5) or more shall be rounded up to the next consecutive whole number. Any fractional result of less than one-half (0.5) shall be rounded down to the previous consecutive whole number.

3531.7 Short-Term Bicycle Parking Spaces shall meet the following requirements:

- (a) Required short-term bicycle parking spaces shall be located either on the same lot as the use they are intended to serve or on public space within twenty feet (20 ft.) of the lot. A use providing short-term bicycle parking on adjacent public space must obtain approval of a public space application under Title 24 DCMR;
- (b) Required short-term bicycle parking spaces shall be located within one-hundred and twenty feet (120 ft.) of a primary entrance to the building they serve;
- (c) Areas devoted to short-term bicycle parking on private property shall be surfaced and maintained with an all-weather surface;
- (d) Required short-term bicycle parking spaces shall be provided as bicycle racks that meet the standards of § 3531.3;
- (e) An aisle at least four feet (4 ft.) wide between rows of bicycle parking spaces and the perimeter of the area devoted to bicycle parking shall be provided. Aisles shall be kept clear of obstructions at all times. Where the bicycle parking is on or adjacent to a sidewalk, the aisle may extend into the right-of-way; and
- (f) Required short-term bicycle parking spaces shall be provided in a convenient, well-lit location that can be viewed from the building the spaces are intended to serve. Required short-term bicycle parking spaces shall be available for shoppers, customers, commuters, messengers, and all other visitors to the site.

3531.8 Long-Term Bicycle Parking Spaces shall meet the following requirements:

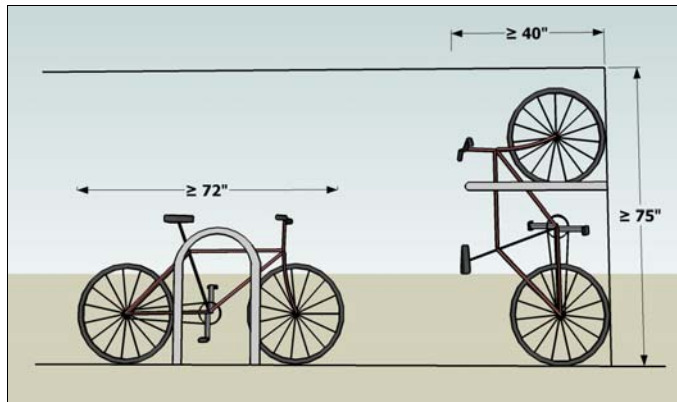
- (a) All required long-term bicycle parking spaces shall be located within the building of the use requiring them;

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 36

- (b) Required long-term bicycle parking spaces shall be located no lower than the first cellar level or the first complete parking level below grade, and no higher than the first above-grade level. Spaces shall be available to employees, residents, and other building occupants;
- (c) Required long-term bicycle parking shall be provided as racks or lockers. Bicycle racks for required long-term parking shall be provided in a parking garage or a bicycle storage room;
- (d) Where required long-term bicycle parking is provided in a garage, it shall be clearly marked and be separated from adjacent motor vehicle parking spaces by wheel stops or other physical automobile barrier;
- (e) Where required long-term bicycle parking is provided in a bicycle room, the room shall have either solid walls or floor-to-ceiling fencing. The room shall have locked doors;
- (f) For any bicycle room with solid walls, the entirety of the interior of the bicycle room shall be visible from the entry door. A motion-activated security light enclosed in a tamper-proof housing shall be provided in each bicycle room;
- (g) Where required long-term bicycle parking is provided in lockers, the lockers shall be securely anchored and meet the following minimum dimensions:
 - (1) Twenty-four inches (24 in.) in width at the door end;
 - (2) Eight inches (8 in.) in width at the opposite end;
 - (3) Seventy-two inches (72 in.) in length; and
 - (4) Forty-eight inches (48 in.) in height;
- (h) Each required long-term bicycle parking space shall be directly accessible by means of an aisle of a minimum width of four feet (4 ft.) and have a minimum vertical clearance of seventy-five inches (75 in.). Aisles shall be kept clear of obstructions at all times;
- (i) A minimum of fifty percent (50%) of the required long-term bicycle parking spaces shall allow the bicycles to be placed horizontally on the floor or ground. Vertical bicycle racks shall support the bicycle without the bicycle being suspended; and

Z.C. NOTICE OF PUBLIC HEARING
 Z.C. CASE NO. 14-22
 PAGE 37

- (j) Each required long-term bicycle parking space shall be a minimum width of twenty-four inches (24 in.), and shall be:
 - (1) A minimum of seventy-two inches (72 in.) in length if the bicycles are to be placed horizontally; or
 - (2) A minimum of forty inches (40 in.) in length if the bicycles are to be placed vertically.



3531.9 Showers and Changing Facilities for newly constructed buildings and buildings that expand in gross floor area by more than twenty five percent (25%) shall meet the requirements of this subsection, which is intended to ensure that long-term bicycle parking spaces are usable by the long-term occupants, especially employees, of non-residential uses:

- (a) A non-residential use that requires long-term bicycle parking spaces and that occupies more than twenty-five thousand square feet (25,000 sq. ft.) in gross floor area shall provide a minimum of two (2) showers. An additional two (2) showers shall be installed for every fifty thousand square feet (50,000 sq. ft.) of gross floor area above the first twenty-five thousand square feet (25,000 sq. ft.), up to a maximum requirement of six (6) showers;
- (b) A non-residential use that requires long-term bicycle parking spaces and that occupies more than twenty-five thousand square feet (25,000 sq. ft.) in gross floor area shall provide a minimum number of clothing lockers equal to six-tenths (0.6) times the minimum number of required long-term bicycle parking spaces. Each locker required by this subsection shall be a minimum of twelve inches (12 in.) wide, eighteen inches (18 in.) deep, and thirty-six inches (36 in.) high; and

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 38

- (c) Showers and lockers required by this subsection shall be accessible to employees and other long-term occupants of the use requiring them. Showers and lockers shall be located within the same building as the use requiring them.

3531.10 When providing the number of bicycle parking spaces or showers and changing facilities required is impractical or contrary to other District regulations, or when it is unnecessary due to a lack of demand for bicycle parking, the Board may grant, as a special exception, a full or partial reduction in the minimum number of long-term spaces, the minimum number of short term spaces, or the quantity of shower and changing facilities required for a use or structure, subject to the general requirements of § 3104, the limitations of § 3531.10(b), and the requirements of this subsection:

- (a) If requesting a reduction in the amount of parking, the applicant must demonstrate one of the following:
 - (1) Due to the physical constraints of the property, the required bicycle parking spaces cannot be provided on the lot or, in the case of short-term bicycle parking spaces, on abutting public space;
 - (2) The use or structure will generate demand for less bicycle parking than the minimum bicycle parking standards require, as a result of:
 - (a) The nature of the use or structure;
 - (b) Land use or topographical characteristics of the neighborhood that minimize the need for required bicycle parking spaces, or
 - (c) A transportation demand management plan approved by DDOT, the implementation of which shall be a condition of the Board's approval, will result in demand for less short-term bicycle parking than the minimum bicycle parking standards require; or
 - (3) The nature or location of an historic resource precludes the provision of bicycle parking spaces; or providing the required bicycle parking would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource;
- (b) A reduction in parking granted under this subsection shall only be for the amount that the applicant demonstrates cannot be physically provided, and

**Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 39**

proportionate to the reduction in bicycle parking demand demonstrated by the applicant; and

- (c) If requesting a reduction in the quantity of shower and changing facilities, the applicant must demonstrate that:
 - (1) The intent of § 3531.9 is met; and
 - (2) Either:
 - (A) The use will not generate the demand for the full number of showers and changing facilities required; or
 - (B) The property owner has an arrangement to make use of showers and changing facilities off-site, and that the showers and changing facilities will be reasonably available to long-term occupants of the use requiring the facilities.

3532 LOADING (WR)

3532.1 The WR Zone is subject to the loading regulations in Chapter 22 of this title, as applied to the C-2-A Zone, including, but not limited to dimensions, location, access, and applicability to historic structures, as modified by the following provisions.

3532.2 The following requirements shall be used:

Use	Minimum Number of Loading Berths Required	Minimum Number of Service/Delivery Spaces Required
Agriculture		
	None	None
Animal Sales, Care and Boarding		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Antennas		
	None	None
Arts Design and Creation		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Basic Utilities		
20,000 to 50,000 sq. ft. gross floor area	1	1
More than 50,000 to 200,000 sq. ft. gross floor area	2	1

Z.C. NOTICE OF PUBLIC HEARING
 Z.C. CASE NO. 14-22
 PAGE 40

Use	Minimum Number of Loading Berths Required	Minimum Number of Service/Delivery Spaces Required
More than 200,000 sq. ft. gross floor area	3	1
Chancery		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Community-Based Institutional Facility		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Daytime Care		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Education		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Emergency Shelter		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Entertainment, Assembly, and Performing Arts		
50,000 to 100,000 sq. ft. gross floor area	1	None
More than 100,000 to 500,000 sq. ft. gross floor area	2	None
More than 500,000 sq. ft. gross floor area	3	None
Firearm Sales		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Food and Alcohol Services		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Government, Large-Scale		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Government, Local		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Health Care		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Institutional		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Lodging		
10,000 to 50,000 sq. ft. gross floor area	1	None

Z.C. NOTICE OF PUBLIC HEARING
 Z.C. CASE NO. 14-22
 PAGE 41

Use	Minimum Number of Loading Berths Required	Minimum Number of Service/Delivery Spaces Required
More than 50,000 to 100,000 sq. ft. gross floor area	2	None
More than 100,000 to 500,000 sq. ft. gross floor area	3	None
More than 500,000 sq. ft. gross floor area	4	None
Marine		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Motor Vehicle-related		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Office		
20,000 to 50,000 sq. ft. gross floor area	1	1
More than 50,000 to 200,000 sq. ft. gross floor area	2	1
More than 200,000 sq. ft. gross floor area	3	1
Parking		
	None	None
Parks and Recreation		
More than 30,000 sq. ft. gross floor area	None	1
Production, Distribution, and Repair		
5,000 to 25,000 sq. ft. gross floor area	1	None
More than 25,000 sq. ft. gross floor area	2	None
For each 100,000 sq. ft. gross floor area more than 50,000 sq. ft.	1	None
Residential		
More than 50 dwelling units	1	1
Retail		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Service		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Sexually-oriented Business Est.		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Transportation Infrastructure		
	None	None
Waste-related Services		
5,000 to 25,000 sq. ft. gross floor area	1	None
More than 25,000 sq. ft. gross floor area	2	None

Z.C. NOTICE OF PUBLIC HEARING
 Z.C. CASE NO. 14-22
 PAGE 42

Use	Minimum Number of Loading Berths Required	Minimum Number of Service/Delivery Spaces Required
For each 100,000 sq. ft. gross floor area more than 50,000 sq. ft.	1	None

- 3532.3 No loading berths are required for buildings or structures with a gross floor area less than the minimum specified in § 3532.3.
- 3532.4 Each loading berth shall be accompanied by one (1) adjacent loading platform.
- 3532.5 When a property changes or adds a use category, the following shall apply:
 - (a) Additional loading berths and service/delivery spaces shall be required only when the minimum number of loading spaces required for the new use group exceeds the number of spaces required for the prior use group that occupied the same floor area;
 - (b) When determining the amount of additional required loading, it shall be assumed that the previous use provided the minimum number of spaces required; and
 - (c) Historic resources shall not be required to provide additional loading for a change in use without expansion.
- 3532.6 An addition to an existing building, or the expansion of a use within a building, triggers additional loading requirements only when the gross floor area of the building or use is expanded or enlarged by twenty-five percent (25%) or more beyond the existing gross floor area. The additional minimum loading berths, platforms and service/delivery spaces required shall be calculated based on the addition’s gross floor area.
- 3532.7 An addition to a historic resource shall be required to provide additional loading berths, platforms and service/delivery spaces only for the addition’s gross floor area and only when the addition results in at least a fifty percent (50%) increase in gross floor area over the existing gross floor area.
- 3532.8 For purposes of calculating loading requirements for non-residential uses, gross floor area does not include floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space.
- 3532.9 At least one (1) loading berth shall be provided when the sum of the gross floor area of the separate uses exceeds the minimum gross floor area requiring loading berths for any one of the separate uses.

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 43

- 3532.10 All loading berths, platforms, and service/delivery loading spaces shall be consolidated and located inside buildings, concealed from view of the public street right of way.
- 3532.11 Loading entrances shall make use of architectural treatments, to mitigate visual impacts and incorporate loading docks within buildings.
- 3532.12 All loading berth or service/delivery spaces shall be located to be accessed from a public alley, where an open and improved alley of fifteen feet (15 ft.) width exists.
- 3532.13 The Board may grant, by Special Exception, modifications or waivers to the requirements of this section if, in addition to the general requirements of § 3104, the applicant demonstrates, as applicable, that:
 - (a) The only means by which a motor vehicle could access the lot is from a public street, and provision of a curb cut or driveway on the street would violate any regulation in this chapter, or in Chapters 6 or 11 of Title 24 DCMR;
 - (b) The loading berths or service/delivery spaces are required for an addition to an historic resource, and providing the required loading facilities would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource;
 - (c) The lot has unusual topography, grades, shape, size, or dimensions; or
 - (d) Alternate access arrangements would improve site design, landscaping, or traffic patterns or provide safer ingress or egress.

3533 – 3539 [RESERVED]

3540 INCLUSIONARY ZONING (WR)

3540.1 All residential development is subject to Inclusionary Zoning and shall be constructed according to the provisions set forth in Chapter 26 of this Title, except that the FAR, lot occupancy, and height listed in the Development Standards for each WR Zone shall serve as the maximum permitted density and building envelopes for buildings and structures, including for the provision of inclusionary units.

3541 GREEN AREA RATIO (WR)

3541.1 In the WR-2, WR-3, WR-4, WR-5, WR-7, and WR-8 Zones, the GAR requirement is four tenths (0.4), pursuant to Chapter 34 of this title.

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 44

3542 PLANNED UNIT DEVELOPMENTS (WR)

3542.1 A planned unit development (PUD) in the WR Zone shall be subject to the following provisions in addition to the provisions of Chapter 24 of this title:

- (a) The minimum area required for a proposed PUD shall be fifteen thousand square feet (15,000 s.f.);
- (b) In the WR-1, WR-5, WR-6, WR-7 and WR-8 Zones, the height, number of stories and FAR provided in the relevant zone's development standards table shall serve as the maximum permitted for a PUD; and
- (c) In the WR-2, WR-3 and WR-4 Zones, the maximum height and FAR limits for PUDs in the WR Zone shall be the following:
 - (1) For the WR-2 Zone, the limits on height, number of stories and FAR provided in the development standards table in § 3402 may be increased by no more than ten feet (10 ft.), one (1) story, and twenty percent (20%) FAR;
 - (2) For the WR-3 Zone, the limits on height, number of stories and FAR provided in the development standards table in § 3403 may be increased by no more than ten feet (10 ft.), one (1) story, and twenty percent (20%) FAR; and
 - (3) For the WR-4 Zone, the limits on height, number of stories and FAR provided in the development standards table in § 3404 may be increased by no more than ten feet (10 ft.), one (1) story, and twenty percent (20%) FAR.

3543 SPECIAL EXCEPTION RELIEF (WR)

3543.1 Relief from any section of this chapter may be heard and decided by the Board as a special exception. In addition to the general special exception criteria of § 3104, the Board must find that the request for relief is consistent with the purposes of the WR Zone.

3544 – 3589 [RESERVED]

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 45

3590 USE GROUPS

3590.1 The following are use groups in the WR Zones:

(a) Agriculture, large:

- (1) The on-site cultivation, or maintenance of plants, or the breeding or keeping of animals and livestock intended for personal use or eventual sale or lease off-site. Typical products of an agricultural use include produce, field crops, flowers, ornamental crops, livestock, poultry, honeybees, or other animal husbandry;
- (2) Examples include, but are not limited to: farm, truck garden, beekeeping, greenhouse, dairy, or horticultural nursery; and
- (3) Exceptions: This use group does not include the customary landscaping of yards, residential gardening or household pets.

(b) Agricultural, residential:

- (1) The on-site cultivation, or maintenance of plants, or keeping of small domestic animals intended for personal use, sale on-site, or eventual sale off-site. Typical products of a residential agricultural use include produce, garden crops, flowers, and honeybees. This use group does not include the customary landscaping of yards, keeping of household pets, or the breeding or housing of large breed animals; and
- (2) Examples include, but are not limited to: small scale truck garden, beekeeping, greenhouse, or community garden.

(c) Animal Sales, Care, and Boarding:

- (1) The on-site sale, medical care, or short term boarding of animals for a fee. These uses may include licensed veterinary practices such as medicine, surgery, or dentistry for animals, or the provision of animal services such as grooming, training, or care-taking;
- (2) Examples include, but are not limited to: pet shop, veterinary clinic or hospital, pet grooming establishment, dog day care center, animal boarding facility, animal sales establishment, or animal shelter; and

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 46

- (3) Exceptions: This use group does not include uses which would typically fall within the Agriculture use categories or the selling of a litter of a domestic pet.
- (d) Antennas: A structure conducting, transmitting, or receiving communication signals. This use group encompasses the portions of the structure responsible for signal transmission and reception, any associated towers, immediately-related support and stabilizing elements, and rotating or other directional mechanisms; and Examples include, but are not limited to: commercial broadcast antenna, mobile telecommunication antenna, microwave dish, satellite earth station, whip, or yagi antennas.
- (e) Arts Design and Creation:
 - (1) The on-site design, rehearsal, or creation of visual, auditory, or performance art. This use may encompass work space for artists, artisans, or craftsmen practicing fine arts or applied arts or crafts, and may include the sale of items created on the site;
 - (2) Examples include, but are not limited to: artist studio, artisan production including kiln-firing, metal-working, wood-working, furniture making and glass-blowing arts, and photographic studio; and
 - (3) Exceptions: This use group does not include uses which would typically fall within the Entertainment, Assembly and Performing Arts, Educational, or Sexually-based Business Establishment use groups.
- (f) Basic Utilities:
 - (1) The commercial or governmental generation, transmission, distribution, or storage of energy, water, stormwater, cable, or telecommunication-related information. This use commonly takes the form of infrastructure services which are provided city-wide;
 - (2) Examples include, but are not limited to: electrical sub-station, telephone exchange, optical transmission node, electronic equipment facility, sewer plant, water treatment plant, methods and facilities for renewable energy generation, or utility pumping station; and

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 47

- (3) Exceptions: This use group does not include uses which would typically fall within the Antennas or Waste-related Services use groups.
- (g) Chancery:
 - (1) The principal offices of a foreign mission used for diplomatic or related purposes, and annexes to such offices (including ancillary offices and support facilities), including the site and any building on such site that is used for such purposes; and
 - (2) Exceptions: This use group does not include uses which would typically fall within the Office, or Residential use group, such as an ambassador's residence or embassy staff residence building.
- (h) Community-based Institutional Facility:
 - (1) A use providing court-ordered monitored care to individuals who have a common need for treatment, rehabilitation, assistance, or supervision in their daily living; have been assigned to the facility; or are being detained by the government, other than as a condition of probation;
 - (2) Examples include, but are not limited to: adult rehabilitation home, youth rehabilitation home, or detention or correctional facilities that do not fall within the Large Scale Government use group; and
 - (3) Exceptions: This use group does not include uses which more typically would fall within the Emergency Shelter or Large Scale Government use group. This use group also does not include Residential or Medical Care uses that were previously defined as community residence facilities, health care facilities, substance abuser's homes, or youth residential care homes.
- (i) Daytime Care:
 - (1) The non-residential licensed care, supervision, counseling, or training, for a fee, of individuals who are not related by blood, adoption, or marriage to the caregiver, and who are present on the site for less than 24 hours per day;
 - (2) Examples include, but are not limited to: an adult day treatment facility, child care centers and programs, pre-schools, nursery

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 48

schools, before-and-after school programs, or elder care centers and programs; and

- (3) Exceptions: This use group does not include uses which more typically fall within the Health Care, or Parks and Recreation use groups. This use does not refer to home-based care given by parents, guardians, or relatives of the individuals requiring care which does not require a Certificate of Occupancy.

(j) Eating and Drinking Establishments:

- (1) The sale of food, alcoholic drinks, or refreshments prepared on the premises and sold to customers for consumption on or off the premises;
- (2) Examples include, but are not limited to: prepared food shop, restaurant, fast food restaurant, or fast food drive-through; within these defined terms, uses may also include but are not limited to bar, café, cafeteria, cocktail lounge, coffee shop, delicatessen; an ice cream parlor and nightclub; and
- (3) Exceptions: This use group does not include uses which more typically would fall within the Sexually-based Business Establishment use group.

(k) Education, College/University: An institution of higher educational or academic learning providing facilities for teaching and research, offering courses of general or specialized study leading to a degree, and authorized to grant academic degrees; This use may include accessory athletic and recreational areas, dormitories, cafeterias, ancillary commercial uses, multiple academic and administrative buildings, and sports facilities.

(l) Education, Private:

- (1) An educational, academic or institutional use with the primary mission of providing education and academic instruction that provides District or state mandated basic education or educational uses. These uses may include accessory play and athletic areas, dormitories, cafeterias, recreational, or sports facilities; and
- (2) Exceptions: This use group does not include uses which more typically would fall within the Daytime Care, Public Education or College/University Education use group. This use group also does

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 49

not include the home schooling of children in a dwelling by their parent, guardian, or private tutor.

(m) Education, Public:

- (1) Public or public charter schools at the elementary, middle, junior high, or high school level; these uses may include accessory athletic areas, dormitories, cafeterias, recreational, or sports facilities; and
- (2) Exceptions: This use group does not include uses which more typically would fall within the Daytime Care, Private Education or College/University Education use group. This group also does not include the home schooling of children in a dwelling by their parent, guardian, or private tutor.

(n) Emergency Shelter: A use providing thirty (30) days or less of temporary housing to indigent, needy, homeless, or transient individuals. Emergency Shelter uses may also provide ancillary services such as counseling, vocational training, or similar social and career assistance.

(o) Entertainment, Assembly, and Performing Arts:

- (1) A use involving facilities designed primarily for public assembly that enables patrons to experience visual, auditory, performance, or literary arts; attend sporting events or conferences; or to participate in active leisure activities. These uses may be characterized by activities and structures that draw large numbers of people to specific events or shows;
- (2) Examples include, but are not limited to: bowling alley, miniature golf, movie theatre, concert hall, museum, or stadium; and
- (3) Exceptions: This use group does not include uses which more typically would fall within the Arts Design and Creation, Sexually-based Business Establishment, or Parks and Recreation use groups.

(p) Firearm Sales:

- (1) A use engaged in the on-site sale, lease, or purchase of firearms or ammunition. This use group has been established to identify those uses which offer sales of goods whose impacts are incompatible with the intended health, safety, and welfare of other uses of land; and

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 50

- (2) Examples include, but are not limited to: gun store, ammunition sales, pawn shop carrying guns, or weaponry store.
- (q) Government, Large:
 - (1) A use involving services owned, managed, or provided by a governmental entity and associated with providing regional or wider services;
 - (2) Examples include, but are not limited to: airports, jails, truck dispatch facilities or police/fire training facilities; and
 - (3) Exceptions: This use group does not include uses which more typically would fall within the Motor-Vehicle-related or Transportation Infrastructure use groups.
- (r) Government, Local:
 - (1) A use involving services owned, managed, or provided by local government and associated with providing neighborhood-scaled services to meet the community needs of the directly adjacent areas;
 - (2) Examples include, but are not limited to: public community centers, police stations, libraries, or fire stations; and
 - (3) Exceptions: This use group does not include large-scale government uses with a regional or larger service area or uses which more typically would fall within the Large Scale Government, Emergency Shelter, Parks and Recreation, or Motor Vehicle-related use group. It also does not include administrative offices of local government agencies, when those office functions meet the definition of the Office use group.
- (s) Institutional, General:
 - (1) A non-governmental use involving the public assembly of people or provision of services for social or cultural purposes and which may include uses of a public, nonprofit, or charitable nature generally providing local service on-site to people of a local community;
 - (2) Examples include, but are not limited to: private clubs, private community centers, private libraries, non-profit or social service providers; and

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 51

- (3) Exceptions: This use group does not include uses which more typically would fall within the Religious Based Institutional, Chancery, Education, Entertainment, Assembly, and Performing Arts, Local Government, Service, Office, or Parks and Recreation use groups.
- (t) Institutional – Religious Based:
 - (1) A non-governmental use involving the public assembly of people or provision of services for religious purposes and which may include related services or uses fundamental to the religious mission;
 - (2) Examples include, but are not limited to: churches, synagogues, temples, mosques, other places of worship, and related religious schools; and
 - (3) Exceptions: This use group does not include uses which more typically would fall within the General Institutional, Chancery, Education, Entertainment, Assembly, and Performing Arts, Local Government, Service, Office, or Parks and Recreation use groups.
 - (u) Lodging:
 - (1) A use providing customers with temporary housing for an agreed upon term of less than thirty (30) consecutive days; any use where temporary housing is offered to the public for compensation, and is open to transient rather than permanent guests;
 - (2) Examples include, but are not limited to: hotels, motels, inns, or bed and breakfast establishments; and
 - (3) Exceptions: This use group does not include uses which more typically would fall within the Emergency Shelter or Residential use group.
 - (v) Marine:
 - (1) A use in which proximity to the waterfront constitutes an integral aspect of its function; or uses which depend upon access to the water for their effectuality. This use group includes activities associated with water and marine-based travel, movement, storage, and related activities;

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 52

- (2) Examples include, but are not limited to: marina, boathouse, boat launch, dock, or pier, boat repair facility, water taxi facility, or water facilities; and
 - (3) Exceptions: This use group does not include uses which more typically would fall within the Motor Vehicle-related use group.
- (w) Medical Care:
- (1) A use involving the on-site licensed provision of medical diagnosis, treatment, or prevention of illness or disease of humans. These facilities may provide medical or surgical care to patients or offer overnight care;
 - (2) Examples include, but are not limited to: dentist, doctor, optician, hospitals, clinics, or medical offices. This use group also includes any facility that meets the definition for and is licensed as a skilled care facility or intermediate nursing care facility under the Health Care Facilities and Community Residence Regulations, 22 DCMR § 3099.1 (1986) (superseded); and
 - (3) Exceptions: This use group does not include uses which more typically would fall within the Community-based Institutional Facility or Emergency Shelter use group.
- (x) Motor Vehicle-related:
- (1) A use engaging primarily in the on-site sale, rental, service, maintenance, or refueling of motor vehicles or their components. These uses include the sale, installation or repair of parts, components, accessories, or fuel for motor vehicles;
 - (2) Examples include, but are not limited to: gasoline service station, auto repair facility, carwash, automobile sales, boat sales, or motorcycle sales; and
 - (3) Exceptions: This use group does not include uses which more typically would fall within the Retail or Parking use group.
- (y) Office:
- (1) A use engaging primarily in on-site administrative, business, professional, research, or laboratory-based activities. These uses are characterized by activities in an office setting that focus on the

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 53

provision of off-site sale of goods or on-site information-based services, usually by professionals;

- (2) Examples include, but are not limited to: real estate agency, law firm, accounting firm, advertising agency, stockbrokerage firm, or laboratory; and
- (3) Exceptions: This use group does not include uses which more typically would fall within the Health Care, Education, Local Government, Retail, Production, Distribution, and Repair, Financial Service, or Chancery use group.

(z) Parking:

- (1) A use involving the on-site short or long-term storage of motor vehicles, including surface lots or within structures, when such motor vehicle storage is not provided as accessory parking for another use;
- (2) Examples include, but are not limited to: public parking lot, public parking garage, and private garage; and
- (3) Exceptions: This use group does not include parking that is accessory to another use.

(aa) Parks and Recreation:

- (1) A use involving publicly accessible passive or active open space or a structure or facility under the jurisdiction of a public agency that is used for community recreation activities;
- (2) Examples include, but are not limited to: Public plazas, parks, outdoor recreation, community gardens; Areas devoted to recreational activities such as picnicking, boating, fishing, bicycling, tennis, or swimming; Classes and services relating to health and wellness, culture, arts and crafts, or education; and Structures or other recreation facilities such as auditorium, multi-purpose room, gymnasium, meeting space, open space, playground, playing court, golf course, playing field, or swimming pool, with associated accessory uses such as kitchen facilities; and
- (3) Exceptions: This use group does not include private recreation centers such as a commercial gymnasium, or uses which more typically would fall within the Entertainment, Assembly, and

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 54

Performing Arts, Arts Design and Creation, Health Care, or Service use group.

(bb) Production, Distribution, and Repair:

- (1) A use involving the on-site production, distribution, repair, assembly, processing, or sale of materials, products, technology, or goods intended for a wholesale, manufacturing, or industrial application. Uses may include firms that provide centralized services or logistics for retail uses, and wholesale goods establishments commonly selling to businesses in bulk. These uses typically have little contact with the public;
- (2) Examples include, but are not limited to: manufacturing facility, concrete plant, asphalt plant, material salvage, hauling or terminal yard, chemical storage or distribution, outdoor material storage, acetylene gas manufacturing, fertilizer manufacturing, rock quarrying, warehouse, ground shipping facility, or wholesale sales; and
- (3) Exceptions: This use group does not include uses which more typically would fall within the Retail, Service or Waste-related Services use group.

(cc) Residential:

- (1) A use offering habitation on a continuous basis of at least 30 days. The continuous basis is established by tenancy with a minimum term of a month or property ownership. This use group also includes residential facilities that provide housing and supervision for persons with disabilities, which may include 24-hour on-site supervision, lodging, and meals for individuals who require supervision within a structured environment, and which may include specialized services such as medical, psychiatric, nursing, behavioral, vocational, social, or recreational services;
- (2) Examples include, but are not limited to: single dwelling unit, multiple dwelling units, community residence facilities, retirement homes, rooming units, substance abusers' home, youth residential care home, assisted living facility, floating homes, and other residential uses; and

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 55

- (3) Exceptions: This use group does not include uses which more typically would fall within the Lodging, Education, or Community-based Institutional Facility use groups.

(dd) Retail:

- (1) A use engaging primarily in the on-site sale of goods, wares, or merchandise directly to the consumer or persons without a resale license. These uses include goods commonly sold to individuals in small quantities for their direct use;
- (2) Examples include, but are not limited to: shop, appliance, computer, drug, jewelry, fabric, department, large format, or grocery stores, clothing or gift boutique, and pawn and antique shops; and
- (3) Exceptions: This use group does not include wholesale goods commonly sold to businesses in bulk, corner store use, or uses which more typically would fall within the Arts Design and Creation, Eating and Drinking Establishments, Automobile-related, Firearm Sales, Marine, Production, Distribution, and Repair, or Sexually-based Business use groups.

(ee) Service, Financial:

- (1) A use engaging primarily in the provision of banking, loan, mortgage or other similar financial services;
- (2) Examples include, but are not limited to: banks, credit unions, and mortgage companies; and
- (3) Exceptions: This use group does not include uses which more typically would fall within the Office use group.

(ff) Service, General:

- (1) A use engaging primarily in the contracting of work that does not necessarily result in a tangible commodity. These uses may provide personal services or provide small-scale product repair or services for consumer and business goods on-site. Service uses which provide services off-site are typically Office uses;
- (2) Examples include, but are not limited to: appliance repair, fitness center, yoga studio, shoe repair, tailor, hair salon and barber, or parcel delivery service; and

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 56

(3) Exceptions: This use group does not include uses which more typically would fall within the Eating and Drinking Establishments, Entertainment, Assembly, and Performing Arts, Local Government, Parks and Recreation, Animal Care and Boarding, Motor Vehicle-related, Accommodation, Daytime Care Facility, Health Care, Sexually-based Business Establishment, Arts Design and Creation, Marine, or Waste-related Services use groups.

(gg) Sexually-based Business Establishment:

(1) A use involving goods, services, or live performances that are characterized by their emphasis on matter depicting, describing, or related to specified sexual activities. Specified sexual activities include, but are not limited to: acts of sexual stimulation or arousal including human genitals in a discernibly turgid state, human masturbation, sexual intercourse, sodomy, or bestiality; or any erotic touching of human genitals, pubic region, buttock, or breast. This use group has been established to identify those uses which offer services or goods whose sexually-oriented impacts are incompatible with the intended health, safety, and welfare of other uses of land; and

(2) Examples include, but are not limited to: sexually-themed bookstores, newsstands, theatres, and amusement enterprises.

(hh) Transportation Infrastructure:

(1) A use involving structures or conveyances designed for individual mode or multimodal public transportation purposes. These uses may include land or facilities for the movement or storage of transportation system components;

(2) Examples include, but are not limited to: streetcar or bus passenger depots, transportation rights of way, Metro stations, mass transit stations, bus stops, bicycle paths, bus transfer stations, accessways, airports, bicycle facilities, multi-use paths, pedestrian connections, or streets; and

(3) Exceptions: This use group does not include uses which more typically would fall within the Basic Utilities use group.

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 57

- (ii) Waste-related Services:
 - (1) A use involving the collection, transportation, recycling, or disposal of refuse either on-site or at a transfer station. This use group may include the collection of sanitary wastes or uses that produce goods or energy from wastes; and
 - (2) Examples include, but are not limited to: composting facility, incinerator, solid waste handling facility, or non-intensive recycling facility. Unless otherwise noted, these terms have the same meaning as defined in the Solid Waste Facility Permit Act of 1995.

3591 USES – RULES FOR INTERPRETATION

3591.1 This Section establishes rules for assigning and codifying use groups and use categories and regulations for the operation of temporary uses.

3591.2 The following rules shall be used to determine a use group:

- (a) Use groups describe activities being performed on-site that have similar functions, physical characteristics, impacts, or operational behaviors;
- (b) All individual uses shall be included in at least one use group. On- and off-site activities associated with a use may cause that use to be included in more than one group;
- (c) A principal use may have one or more accessory uses;
- (d) The Zoning Administrator shall determine the category or categories for a use, based on consistency with B Chapter 2;
- (e) The following may be considered when determining the appropriate group or groups for a use:
 - (1) The description of the activity or activities in relationship to the definition of each use category;
 - (2) The relative amount of site or floor space and equipment devoted to each activity;
 - (3) The relative amounts of sales from each activity;
 - (4) The customer type for each activity;

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 58

- (5) The relative number of employees in each activity;
 - (6) The typical hours of operation;
 - (7) The building and site arrangement;
 - (8) The number and type of vehicles used;
 - (9) The relative number of vehicle trips generated by the activity;
 - (10) How the use is advertised;
 - (11) How the use is licensed;
 - (12) Similarities in function to the examples and exceptions listed for each use group; and
- (f) The activities, functions, physical characteristics, and impacts of a use on a property may not change unless that change has been determined by the Zoning Administrator to be consistent with that use group or a different use group permitted within the applicable zone.
- 3591.3 When a site contains more than one use and these uses fall within different use groups, each use is subject only to the regulations of the applicable use group.
- 3591.4 If a use is determined to fall into more than one use group, the use is subject to the regulations for all applicable use groups. If this results in conflicting conditions or criteria, the most stringent conditions shall be met.
- 3591.5 Accessory uses shall conform to the following rules:
- (a) Any use allowed as a permitted use in a zone shall be allowed as an accessory use within that zone;
 - (b) Any use allowed only with conditions in a zone shall be allowed as an accessory use within that zone, subject to all applicable conditions; and
 - (c) Accessory uses:
 - (1) Shall be allowed only when associated with permitted or conditionally permitted uses; and
 - (2) Shall meet all of the conditions of the appropriate use group.
- 3591.6 Temporary uses shall conform to the following rules:

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 59

- (a) Any use allowed as a permitted use in a zone shall be allowed as a temporary use within that zone;
- (b) Any use allowed only with conditions in a zone shall be allowed as a temporary use within that zone, subject to all applicable conditions; and
- (c) Temporary uses:
 - (1) Shall have the time period of the allowance established on the Certificate of Occupancy but shall not exceed one (1) year; and
 - (2) Shall not result in the erection of any new permanent structures, although existing permanent structures may be used for a temporary use.

CONFORMING AMENDMENTS

1. Amend Chapter 21, § 2101.1 as follows:

2101.1 On and after May 12, 1958, all buildings or structures shall be provided with parking spaces as specified in the following table, except for buildings and structures located in the StE or the WR Districts:

2. Amend Subsection 2602.1(a) as follows:

2602.1 Except as provided in § 2602.3, the requirements and incentives of this chapter shall apply to developments that:

- (a) Are mapped within the R-2 through R-5-D, C-1 through C-3-C, USN, CR, SP, StE, WR and W-1 through W-3 Zone Districts, unless exempted pursuant to § 2602.3;

3. Amend Subsection 2603.3 as follows:

2603.3 Inclusionary developments located in R-3 through R-5-E, C-1, C-2-A, StE, W-0, ~~and~~ W-1, and WR 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.

4. Add a new § 2603.8 to read as follows:

2603.8 In the WR Zone, an inclusionary development shall devote no less than 10% of the gross floor area being devoted to residential use for inclusionary units.

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 60

Or in the alternative, add two new §§ 2603.8 and 2603.9, to read as follows:

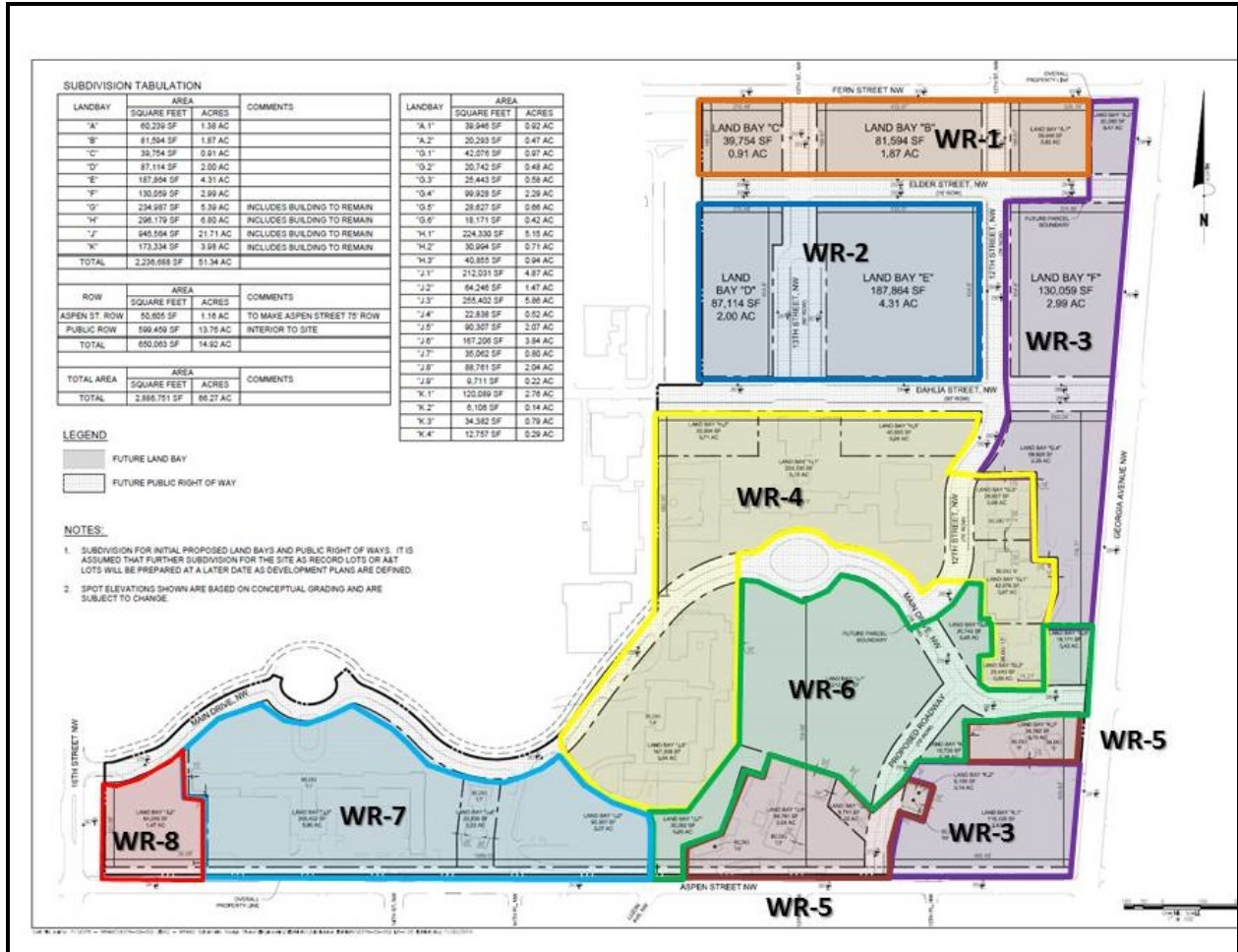
- 2603.8 In the WR-1, WR-4, or WR-5 Zones, an inclusionary development shall devote no less than 10% of the gross floor area being devoted to residential use for inclusionary units.
- 2603.9 In the WR-2, WR-3, WR-7, or WR-8 Zones, an inclusionary development shall devote eight percent (8%) of the gross floor area being devoted to residential use for inclusionary units.

5. Amend Subsection 2604.1 as follows:

- 2604.1 Inclusionary developments subject to the provisions of this chapter, except those located in the StE or WR Districts, may construct up to twenty percent (20%) more gross floor area than permitted as a matter of right ("bonus density"), subject to all other zoning requirements (as may be modified herein) and the limitations established by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452; D.C. Official Code § 6-601.01, *et seq.* (2001 Ed.)).

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 61

Map A



Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01, et seq.

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021.

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

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-22
PAGE 62

statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

Time limits.

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

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

- | | | |
|----|---------------|----------------|
| 1. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

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

Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record. Written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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

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

NOTICE OF FINAL RULEMAKING

The Chairperson of the Construction Codes Coordinating Board (Chairperson), pursuant to the authority set forth in Section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409 (2012 Repl.)) and Mayor's Order 2009-22, dated February 25, 2009; and the Director of the Department of Consumer and Regulatory Affairs (Director), pursuant to the authority set forth in Section 12 of the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.11 (2012 Repl. & 2014 Supp.)) (Green Building Act), Mayor's Order 2007-206, dated September 21, 2007, and Mayor's Order 2010-1, dated January 5, 2010, hereby give notice of the adoption of the following final rulemaking amending Title 12 of the District of Columbia Municipal Regulations (DCMR), (the "2013 D.C. Construction Codes").

This rulemaking corrects errata and addresses various matters that were not fully resolved, or identified, prior to adoption of the 2013 D.C. Construction Codes.

A Notice of Emergency and Proposed Rulemaking was published on May 9, 2014 at 61 DCR 4760. A Notice of Second Emergency Rulemaking, extending the emergency rules, was published on August 29, 2014 at 61 DCR 8983. Pursuant to Section 10(a) of the Act, a proposed resolution approving the third proposed amendments was submitted to the Council of the District of Columbia, on September 30, 2014 for a forty-five (45) day period of review. The 45-day period of review having expired on December 15, 2014 with no Council action to approve or disapprove the proposed resolution, the proposed amendments are deemed approved. The rules were adopted on December 15, 2015 and will become effective upon publication in the *District of Columbia Register*.

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

Chapter 1, ADMINISTRATION AND ENFORCEMENT, of Subtitle A, BUILDING CODE SUPPLEMENT OF 2013, of Title 12 DCMR, CONSTRUCTION CODES SUPPLEMENT OF 2013, is amended as follows:

106 SUBMITTAL DOCUMENTS

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

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

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

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

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

Chapter 1, ADMINISTRATION AND ENFORCEMENT, of Subtitle A, BUILDING CODE SUPPLEMENT OF 2013, of Title 12 DCMR, CONSTRUCTION CODES SUPPLEMENT OF 2013, is amended as follows:

106.1.1 Architectural and Engineering Details. The *code official* shall require adequate details of structural, accessibility, fire protection, electrical, fuel gas, mechanical, plumbing, energy conservation, and green building provisions to be filed, including computations, stress diagrams, sound transmission details and other technical data essential to assess compliance with the *Construction Codes*,

as further specified in this Section 106. ~~All engineering plans and computations shall bear the signature of the District licensed professional engineer responsible for the design, as required by Section 106.3.4.~~

Chapter 1, ADMINISTRATION AND ENFORCEMENT, of Subtitle A, BUILDING CODE SUPPLEMENT OF 2013, of Title 12 DCMR, CONSTRUCTION CODES SUPPLEMENT OF 2013, is amended as follows:

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

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

Chapter 4, SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY, of Subtitle A, BUILDING CODE SUPPLEMENT OF 2013, of Title 12 DCMR, CONSTRUCTION CODES SUPPLEMENT OF 2013, is amended as follows:

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

403.4.5 Emergency responder radio coverage. Emergency responder radio coverage shall be provided in accordance with Section 510 of the *Fire Code*.

Chapter 32, ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY, of Subtitle A, BUILDING CODE SUPPLEMENT OF 2013, of Title 12 DCMR, CONSTRUCTION CODES SUPPLEMENT OF 2013, is amended as follows:

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

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

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

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

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

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

3202.10.2.2 Projection. Balcony projections shall be limited as follows:

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

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

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

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

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

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

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

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

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

1. Three feet (914 mm) on *streets* without *public parking*, 40 feet (12 192 mm) or more in width, but less than 45 feet (13 716 mm) wide.
2. Four feet (12 192 mm) on *streets* without *public parking*, 45 feet (13 716 mm) or more in width, but less than 70 feet (21 336 mm) wide.
3. Five feet (1524 mm) on *streets* without *public parking*, 70 feet (21 336 mm) or more in width, but less than 80 feet (24 384 mm) wide.
4. Six feet (1829 mm) on *streets* without *public parking*, 80 feet (24 384 mm) or more in width.
5. Ten feet (3048 mm) on *streets* with *public parking*, 80 feet (24 384 mm) or more in width.

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

Appendix N, SIGNS, of Subtitle A, BUILDING CODE SUPPLEMENT OF 2013, of Title 12 DCMR, CONSTRUCTION CODES SUPPLEMENT OF 2013, is amended as follows:

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

Chapter 3, GENERAL REGULATIONS, of Subtitle F, PLUMBING CODE SUPPLEMENT OF 2013, of Title 12 DCMR, CONSTRUCTION CODES SUPPLEMENT OF 2013, is amended as follows:

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

305.4.1 Sewer depth.

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

Chapter 6, WATER SUPPLY AND DISTRIBUTION, of Subtitle F, PLUMBING CODE SUPPLEMENT OF 2013, of Title 12 DCMR, CONSTRUCTION CODES SUPPLEMENT OF 2013, is amended as follows:

Table 603.3.1 Water Service Backflow Prevention

Domestic Backflow Prevention Device

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

Fire Protection Backflow Prevention Device

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

	Reduced Pressure Detector Fire Protection BFP Assembly (ASSE 1047-compliant)	
--	--	--

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

- a - Backflow prevention device shall always be located upstream from any water outlet.
- b - Where inlet pressure to meter yoke is less than 42 psi, it is acceptable to locate the domestic backflow prevention device inside the facility, within 10 feet of water service point of entry.

Chapter 7, SANITARY DAMAGE, of Subtitle F, PLUMBING CODE SUPPLEMENT OF 2013, of Title 12 DCMR, CONSTRUCTION CODES SUPPLEMENT OF 2013, is amended as follows:

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

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

Chapter 3, REQUIREMENTS, of Subtitle G, PROPERTY MAINTENANCE CODE SUPPLEMENT OF 2013, of Title 12 DCMR, CONSTRUCTION CODES SUPPLEMENT OF 2013, is amended as follows:

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

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

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

Chapter 7, FIRE SAFETY REQUIREMENTS, of Subtitle G, PROPERTY MAINTENANCE CODE SUPPLEMENT OF 2013, of Title 12 DCMR, CONSTRUCTION CODES SUPPLEMENT OF 2013, is amended as follows:

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

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

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

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

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

smoke alarms in the additional locations specified in Section 704.2(1), (2) and (3).
~~that comply with the requirements of Section 704.2.~~

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

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

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

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

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

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

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

For purposes of this section, the owner of a building containing condominium or cooperative

units shall be the unit owners' association, the cooperative housing association, or other entity having responsibility for managing the condominium or cooperative on behalf of the unit owners.

704.5.4 Housing Business. Where the *owner* or *operator* of a *housing business* has failed to comply with the smoke alarm provisions of Section 704.2, the *tenant* is authorized to purchase, install and maintain battery-operated smoke alarm(s) as a temporary safeguard at the *owner's* expense, subject to the following: (a) the *tenant* must notify the *owner* or *operator* in writing that installation, replacement or repair of a smoke alarm is required by Section 704.2 and request that the *owner* or *operator* take appropriate action, and the *owner* or *operator* fails to take the requested action within 10 days after such request or such later date as mutually agreed; and (b) the *tenant* must provide the *owner* or authorized agent of the *owner* with access to the *dwelling unit* to correct any smoke alarm deficiencies which have been reported.

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

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

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

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

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

704.5.4.5 Other penalties. Nothing in this Section shall be deemed to negate the obligation of the *owner* or *operator* to comply with the

requirements of Section 704.2, or to preclude the *code official* from pursuing other penalties and remedies under this code where the *owner* or *operator* fails to comply with Section 704.2.

Chapter 1, ADMINISTRATION AND ENFORCEMENT, of Subtitle H, FIRE CODE SUPPLEMENT OF 2013, of Title 12 DCMR, CONSTRUCTION CODES SUPPLEMENT OF 2013, is amended as follows:

**TABLE 105.6.20
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS**

TYPE OF MATERIAL	AMOUNT
Oxidizing materials Gases Liquids	See Section 406.6-8 <u>105.6.8</u>

Chapter 3, GENERAL REQUIREMENTS, of Subtitle H, FIRE CODE SUPPLEMENT OF 2013, of Title 12 DCMR, CONSTRUCTION CODES SUPPLEMENT OF 2013, is amended as follows:

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

304.1.2 Vegetation.

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

Chapter 5, FIRE SERVICE FEATURES, of Subtitle H, FIRE CODE SUPPLEMENT OF 2013, of Title 12 DCMR, CONSTRUCTION CODES SUPPLEMENT OF 2013, is amended as follows:

CHAPTER 5 FIRE SERVICE FEATURES

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

510 EMERGENCY RESPONDER RADIO COVERAGE

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

510.1 Emergency responder radio coverage in new buildings.

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

Exceptions:

1. Where approved by the building official and the fire code official, a wired communication system in accordance with Section 907.2.13.2 shall be permitted to be installed or maintained in lieu of an approved radio coverage system.
2. Where it is determined by the District of Columbia Office of Unified Communications (OUC) and the fire code official that the radio coverage system is not needed based on procedures and criteria set forth in Section 510 and in OUC guidelines.
3. In facilities where emergency responder radio coverage is required and such systems, components or equipment could have a negative impact on the normal operations of that facility, the fire code official shall have the authority to accept an automatically activated emergency responder radio coverage system.
4. Buildings covered by the Residential Code.
5. Group R-2 buildings with four or fewer dwelling units per floor up to three floors above grade.
6. Group R-3 buildings.

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

510.3 Permits required.

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

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

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

Chapter 11, CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS, of Subtitle H, FIRE CODE SUPPLEMENT OF 2013, of Title 12 DCMR, CONSTRUCTION CODES SUPPLEMENT OF 2013, is amended as follows:

Strike Section 1103.2 of the International Fire Code in its entirety and insert new Section 1103.2 in the Fire Code in its place to read as follows:

1103.2 **Emergency responder radio coverage in existing buildings.**

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

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

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

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

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

1. ~~On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.~~
2. ~~In each room used for sleeping purposes.~~

3. ~~In each story within a *dwelling unit*, including *basements* and cellars but not including crawl spaces and uninhabitable attics. In dwellings or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.~~

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

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

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

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

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

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

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

Chapter 3, GREEN BUILDING ACT AND ASHRAE 189.1, of Subtitle K, GREEN BUILDING CODE SUPPLEMENT OF 2013, of Title 12 DCMR, CONSTRUCTION CODES SUPPLEMENT OF 2013, is amended as follows:

302.3.3 Interior construction of mixed use space in a residential project. Where *residential occupancies* exceed 50 percent of the *gross floor area* of the *project*, including allocable area of common space, and the *project* contains at least 50,000 contiguous square feet (4645 m²) of *gross floor area*, exclusive of

common space, ~~that is or would be occupied for of the~~ non-residential ~~useoccupancies~~, then the space designated for non-residential occupancies shall be designed and constructed to meet or exceed one or more of the applicable LEED standards listed in Section 302.4 at the Certified Level. The applicant shall provide plans and supporting documents in sufficient detail and clarity to enable the *code official* to verify compliance with this section.

Chapter 5, MATERIAL RESOURCE CONSERVATION AND EFFICIENCY, of Subtitle K, GREEN BUILDING CODE SUPPLEMENT OF 2013, of Title 12 DCMR, CONSTRUCTION CODES SUPPLEMENT OF 2013, is amended as follows:

CHAPTER 5 MATERIAL RESOURCE CONSERVATION AND EFFICIENCY

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

507 BUILDING ENVELOPE MOISTURE CONTROL

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

507.1 Moisture control preventative measures.

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

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

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF FINAL RULEMAKING

The District of Columbia Taxicab Commission (“Commission” or “DCTC”), pursuant to the authority set forth in Sections 8(c) (2), (3), (4), (5), (7), (19), 14, 20, and 20f of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307 (c)(2), (3), (4), (5), (7), (19) (2012 Repl. & 2014 Supp.), § 50-313 (2012 Repl. & 2014 Supp.), § 50-319 (2012 Repl. & 2014 Supp.), and § 50-325 (2012 Repl. & 2014 Supp.)), and D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Repl. & 2014 Supp.); hereby gives notice of its intent to amend Chapter 5 (Taxicab Companies, Associations, and Fleets), Chapter 6 (Taxicab Parts and Equipment), Chapter 10 (Public Vehicles for Hire), and Chapter 99 (Definitions) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (“DCMR”).

The amendments to Chapter 5 incentivize taxicab owners to purchase vehicles which are wheelchair accessible and use the most efficient means of propulsion, by authorizing the Office of Taxicabs (“Office”) to issue a new entity license, for a modern taxicab association (“MTA”), a business which would be domiciled in the District. In addition to meeting the requirements for licensing as a taxicab association under § 501, each MTA would also be required to convert one hundred percent (100%) of its associated vehicles to new, wheelchair accessible vehicles which use the most efficient propulsion under § 609, pursuant to a plan approved by the Office. Each member of the MTA not domiciled in the District would be eligible for a new DCTC vehicle license under § 1010, allowing the member to apply, with the MTA as a District domiciliary, for Department of Motor Vehicles (“DMV”) title and registration pursuant to DMV’s rules and regulations and other applicable laws. A vehicle owner no longer associated with the MTA would remain obligated to convert the vehicle to a new, wheelchair accessible vehicle which uses the most efficient propulsion.

The amendments to Chapter 6 incentivize taxicab owners to purchase vehicles which have the most fuel efficient propulsion available and are wheelchair accessible, by replacing the existing “Age of Taxicabs” regulations in § 609, approved as final rulemaking on November 8, 2014, and published in the *D.C. Register* on November 28, 2014 at 61 DCR 12279 (“Age of Taxicabs Rule”), with more specific rules that account for fuel efficiency and wheelchair accessibility. The amendments do not apply to standard gasoline vehicles in service on the effective date of the proposed amendments; these vehicles would continue to be subject to the Age of Taxicabs Rule. The amendments would allow vehicle owners of less efficient or non-accessible vehicles to apply to the Office for approval of a professional conversion to more efficient propulsion or wheelchair accessibility allowing the owner to extend the vehicle’s time in service. The amendments would also continue to allow an owner to file a single application for an extension of one (1) to three (3) years of a vehicle’s retirement where the Office determines that the vehicle is in excellent mechanical condition and appearance.

The amendments to Chapter 10 would amend § 1010 as necessary to carry out the Commission’s objectives in the amendments to Chapters 5 and 6, and make additional changes in order to incentivize other taxicab owners to place into service new vehicles that use the most efficient pro-

pulsion and are wheelchair accessible under § 609. The incentives would be reflected in the creation of a new DCTC vehicle license: the DCTC transferable taxicab vehicle license. The following persons would be eligible for a DCTC transferable taxicab vehicle license: (1) each member of an MTA who is eligible for a DCTC vehicle license for a taxicab and each owner of an existing taxicab already in service, at the time the owner places into service a new vehicle which is wheelchair accessible and uses the most efficient propulsion; and (2) an approved taxicab company participating in the Coordinated Alternative Paratransit (CAPS-DC) Pilot Program of Chapter 18 for each new wheelchair accessible vehicle the company is required to purchase as a condition of its participation in the Pilot Program.

The holder of a DCTC transferable taxicab vehicle license would be permitted to transfer the license to any other person for the purpose of providing taxicab service in the District, subject to certain conditions, including: the approval of each transfer by the Office to ensure further transferability; the operation of a vehicle which uses the most fuel efficient propulsion available and is wheelchair accessible pursuant to § 609 when first placed into service; the operation of the vehicle only by an individual who possesses a DCTC accessible vehicle identification (“AVID”) operator’s license; and continuing compliance with all DMV title and registration requirements, and other applicable laws and regulations. A DCTC transferable taxicab vehicle license would not guarantee its holder a privilege to be issued DMV vehicle registration or tags where the issuance of registration or tags would be inconsistent with DMV rules or regulations or other applicable laws. The rules also amend Chapter 99 (Definitions) to add necessary definitions.

The proposed rulemaking for Chapters 5, 6, 10, 12, and 99 was approved by the Commission for publication on October 8, 2014 and was published in the *D.C. Register* on October 24, 2014 at 61 DCR 11216. The proposed rulemaking superseded the original proposed rulemaking for Chapters 5, 6, and 10 of Title 31 DCMR, which has been approved by the Commission for publication on August 6, 2014 and published in the *D.C. Register* on October 3, 2014, at 61 DCR 10295. All comments received during the comment period, which ended on November 24, 2014, were carefully reviewed and considered, but did not require the Commission to make any substantial changes and no substantial changes have been made. The Commission has removed from the rulemaking a proposed amendment to Chapter 12 to authorize the approval of modern luxury service class organizations and related proposed definitions for Chapter 99.

The changes to the text from the original proposed rules impose no additional legal obligations on stakeholders, but reorder language for clarity, logical presentation, and readability. Additional non-substantial changes have been made to correct grammar, clarify initial intent, and clarify proposed procedures, and lessen the burdens established by the proposed rules. A provision in the original proposed rules amending § 1010, which would have required each approved transferee of a DCTC transferable taxicab vehicle license to place into service only a new wheelchair accessible vehicle, has been modified to allow either a new vehicle or the continuation in service of an existing vehicle for the duration of its time and mileage under § 609.

The Commission voted to adopt this rule as final on December 10, 2014, and it will become effective upon publication in the *D.C. Register*.

Chapter 5, TAXICAB COMPANIES, ASSOCIATIONS AND FLEETS, of Title 31, TAXI-

CABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

Section 500, APPLICATION AND SCOPE, is amended as follows:

A new Subsection 500.3 is added to read as follows:

500.3 In the event of a conflict between a provision of this section and any other provision of this title, the more restrictive provision shall apply.

A new Section 504 is added to read as follows:

504 MODERN TAXICAB ASSOCIATIONS

504.1 A taxicab association (“association”) interested in receiving approval from the Office of Taxicabs (“Office”) to operate as a modern taxicab association (“MTA”) may apply to the Office for approval under this section.

504.2 An association may apply for approval as an MTA together with its application for a certificate of operating authority under § 501, or at any time thereafter, provided it meets all requirements of this section at the time of application.

504.3 Nothing in this chapter shall be construed as soliciting or creating a contractual relationship, agency relationship, or employer-employee relationship between the District of Columbia and any other person.

504.4 Nothing in this chapter shall be construed as creating a right of action against the District of Columbia based on the loss or reduction in value of, or in the loss or transferability of, any legal right or property interest which was due in whole or in part to the action or inaction of any person in violation of the provisions of this title.

504.5 Nothing in this chapter shall be construed to alter the legal rights or obligations of any person under any provision of the D.C. Municipal Regulations other than the rules and regulations of this title.

504.6 An association shall be eligible to apply for approval as an MTA where:

(a) The association:

(1) Meets the requirements of § 501 and is in compliance with all applicable provisions of this title and other applicable laws;

(2) If it has current operating authority as an association, it is in good standing with the Office, including having no pending enforcement actions;

- (3) Has one hundred (100) or more members; and
 - (4) Is in compliance with, or ready and able to comply with, all operating requirements in § 504.14.
- (b) Each of the association's members:
- (1) Holds the required DCTC operator's license for the vehicle to be operated by the member;
 - (2) Is in good standing with the Office, including having no pending enforcement actions; and
 - (3) Has a DCTC taxicab vehicle license, or is eligible to be issued a new DCTC taxicab vehicle license pursuant to this section and § 1010.

504.7 Each applicant shall provide the following information and documentation to the Office:

- (a) The name of and contact information for the applicant and its manager, showing that the applicant is domiciled in the District;
- (b) The trade name(s) and logo used by the applicant, if any;
- (c) The name of and contact information for each of the applicant's members;
- (d) For each vehicle which is currently owned exclusively or jointly by a member and used or intended to be used by a member as a taxicab:
 - (1) The make, model, model year, propulsion type, and wheelchair accessibility of the vehicle; and
 - (2) The names and addresses of all owners of the vehicle, the date and place of registration, and whether or not there is a lien on the vehicle;
- (e) Information and documentation showing that the applicant, its members, and its members' vehicles are in compliance with, or ready and able to comply with, all the eligibility requirements of § 504.6 and all the operating requirements in § 504.14;
- (f) A copy of the applicant's bylaws and all other documents which evidences or establishes the legal relationship between the applicant and its members;

- (g) A proposed vehicle plan which would ensure that, within five (5) years from the date of the approval of the MTA, one hundred percent (100%) of the association's vehicles will be both wheelchair accessible and use the most fuel efficient propulsion pursuant to § 609; and
- (h) Such other information and documentation as stated in any applicable administrative issuance, instruction, or guidance issued by the Office.

504.8 Each initial and renewal application filed with the Office under this section shall be:

- (a) Full and complete;
- (b) Accompanied by full and complete documentation;
- (c) Provided under penalty of perjury and notarized before a notary public;
- (d) Submitted no later than the deadline stated in any applicable administrative issuance, instruction, or guidance issued by the Office; and
- (e) Accompanied by an application fee of five hundred dollars (\$500).

504.9 The Office shall review each application pursuant to the Clean Hands Act, and shall deny the application of the applicant or any of its members which are not in compliance with the Clean Hands Act.

504.10 An application may be denied if the applicant or any of its members does not cooperate with the Office during the application process, if the application is not complete, or if the applicant or any of its members provides materially false information for the purpose of inducing the Office to grant the application.

504.11 If the Office denies an application:

- (a) The Office shall state the reasons for its decision in writing; and
- (b) The applicant may appeal the decision to the Chief of the Office within fifteen (15) calendar days, and, otherwise, the decision shall constitute a final decision of the Office. The Chief shall issue a decision on an appeal within thirty (30) calendar days. A timely appeal of a denial shall extend any existing approval pending the Chief's decision. A decision of the Chief to affirm or reverse a denial shall constitute a final decision of the Office. A decision of the Chief to remand to the Office for further review of an application shall extend any existing approval pending the final decision of the Office.

- 504.12 Each approval shall be effective for the duration of the MTA's operating authority as a taxicab association provided, however, that notwithstanding any other provision of this section, the MTA may seek to renew its certificate of operating authority at any time within twelve (12) months following its expiration, which, if granted, shall be retroactive for all purposes of this title to the date of expiration.
- 504.13 The Office shall issue at the time of approval:
- (a) To the MTA: a certificate reflecting the Office's approval, which shall remain the property of the Office and shall be returned to the Office if, at any time or for any reason, the association loses its authority to operate under this title or other applicable law; and
 - (b) To each MTA member not domiciled in the District: a new DCTC transferable taxicab vehicle license or DCTC vehicle license for a taxicab (not transferable), pursuant to the provisions of § 1010, and provided that:
 - (1) The taxicab being placed into service by the member would be registered jointly in the name of the member and the MTA;
 - (2) The member has been a joint owner of a taxicab registered in the District in the name of the member and a District taxicab company ("former company"), which is required to be retired from service under § 609 ("jointly registered vehicle");
 - (3) The former company refuses to release its ownership in the jointly registered vehicle to the member upon terms satisfactory to the member, following written demand by the member, proof of which is provided to the Office; and
 - (4) The member releases all right, title, and interest in the jointly registered vehicle to the former company and fulfills all contractual obligations related to the jointly registered vehicle to enable the former company to re-title and re-register the jointly registered vehicle in its name alone.
- 504.14 Each MTA and its members shall at all times be in compliance with the following operating requirements:
- (a) The MTA and its members shall remain in compliance with the eligibility requirements of § 504.6 and all other applicable provisions of this title and other applicable laws;
 - (b) The MTA and its members shall be associated with a single payment service provider ("PSP");

- (c) Each vehicle associated with the MTA shall be compliant with the MTA's approved vehicle plan unless a modification of the plan has been approved by the Office pursuant to § 504.16;
 - (b) The MTA shall allow each of its member which is not domiciled in the District to apply for a new DCTC vehicle license pursuant to §§ 504.13(b) and 1010 and shall consent, when requested by a member, to appear on the title and/or registration as necessary to allow the vehicle to be registered under all applicable DMV regulations and other applicable laws; and
 - (e) The MTA shall allow a member to withdraw from the MTA without financial payment or penalty, and shall make no legal or equitable claim to the member's vehicle, or to the member's DCTC transferable taxicab vehicle license, if such license has been issued to the member pursuant to § 1010, provided however, that this part shall not relieve a member of its obligations under § 504.17 or the payment of any lawful debt owed to any person.
- 504.15 No MTA shall alter its bylaws or other documents which evidence or establish its legal relationship with its members without obtaining prior approval from the Office. Any attempt to violate this subsection shall be null, void, and unenforceable.
- 504.16 No vehicle associated with an MTA may be placed into service unless it complies with the MTA's approved vehicle plan, provided however, that a modification of the plan may be granted by the Office for good cause shown where the proposed modification would not impair the rights or obligations of any person under this section or § 1010.
- 504.17 Each member of an MTA which holds a DCTC vehicle license, other than a DCTC transferable taxicab vehicle license, which was issued by the Office pursuant to §§ 504.13(b) and 1010 for a vehicle which has not yet been replaced as required in the MTA's approved vehicle plan, and which becomes disaffiliated from MTA, shall be subject to the following requirements:
- (a) If the failure to remain affiliated is attributable to the MTA, including its failure to continue operating or the loss of its operating authority, the vehicle shall be replaced as required in the MTA's approved vehicle plan; and
 - (b) If the failure to remain affiliated is attributable to the member, the vehicle shall be replaced as required in the MTA's approved vehicle plan within ninety (90) days of the disaffiliation, unless by such time the member has affiliated with another approved MTA and provided notice of such re-affiliation in the manner required by the Office.

Chapter 6, TAXICAB PARTS AND EQUIPMENT, of Title 31, TAXICABS AND PUBLIC

VEHICLES FOR HIRE, of the DCMR, is amended as follows:**Section 609, AGE OF TAXICABS, is amended to read as follows:****609 TAXICAB VEHICLE RETIREMENT**

- 609.1 No vehicle shall be operated as a taxicab in the District unless it is in compliance with the provisions of this section at the time of its required DMV inspection or when an application is filed for its DCTC vehicle license under § 1010, whichever is earlier.
- 609.2 Notwithstanding the provisions of § 609.1, each standard gasoline-powered vehicle which is licensed and in service on the effective date of this section shall be retired as provided in the “Age of Taxicabs” rule in § 609, published in the *D.C. Register* on November 28, 2014 at 61 DCR 12279, for which vehicle mileage is not a factor except as provided in part (d), and which provides as follows:
- (a) Not later than January 1, 2014, or the next regularly scheduled DMV vehicle inspection required by D.C. Official Code § 50-1101(a), whichever is later, all vehicles manufactured in model years 1997 and earlier must be removed from service.
 - (b) Not later than January 1, 2015, or the next regularly scheduled DMV vehicle inspection required by D.C. Official Code § 50-1101(a), whichever is later, all vehicles manufactured in model years 2004 and earlier must be removed from service.
 - (c) Not later than January 1, 2016, or the next regularly scheduled DMV vehicle inspection required by D.C. Official Code § 50-1101(a), whichever is later, all vehicles manufactured in model years 2007 and earlier must be removed from service.
 - (d) Not later than January 1, 2017, or the next regularly scheduled DMV vehicle inspection required by D.C. Official Code § 50-1101(a), whichever is later, all vehicles manufactured in model years 2010 and earlier, or which have accumulated mileage in excess of four hundred thousand miles (400,000), shall be removed from service.
- 609.3 Each vehicle shall be retired by the end of the calendar year in which the vehicle reaches its maximum service life, as stated in § 609.4, or in which it reaches its maximum vehicle mileage, as stated in § 609.5, whichever is earlier. Service life shall be added to the age of the vehicle based on its model year, which shall be deemed to begin on September 1st, regardless of the vehicle manufacturer’s actual model year.
- 609.4 Maximum vehicle age:

VEHICLE PROPULSION	WHEELCHAIR ACCESSIBLE	SERVICE LIFE (YEARS)
CNG or Fuel Cell	Yes	12
CNG or Fuel Cell	No	8
Diesel, E85, or LP	Yes	11
Diesel, E85, or LP	No	7
Hybrid Gasoline	Yes	10
Hybrid Gasoline	No	6
Standard Gasoline	Yes	8
Standard Gasoline	No	4
Key: CNG = Compressed Natural Gas Fuel Cell = Hydrogen Fuel Cell Diesel = Diesel or Bio-Diesel E85 = 85% Ethanol LP = Liquid Propane Hybrid Gasoline = Gasoline-Electric Hybrid		

609.5 Maximum vehicle mileage: forty five thousand (45,000) miles for each year which the vehicle is allowed to be in service under § 609.4.

609.6 No vehicle shall be placed into service if:

- (a) It would have one (1) year or less prior to retirement under § 609.4;
- (b) It has been driven more than one hundred thousand (100,000) miles, regardless of whether it has previously been used as a public vehicle-for-hire; or
- (c) It has been salvaged or rebuilt.

609.7 The owner of a vehicle already in service may file a single application with the Office requesting a one (1) to three (3) year extension of the deadline by which a vehicle is required to be removed from service pursuant to §§ 609.2-609.5, subject to the following requirements:

- (a) Only one (1) application may be filed concerning a specific vehicle, regardless of whether the application is granted or denied.
- (b) The vehicle shall:
 - (1) Have passed its two (2) most recent required DMV inspections;

- (2) Be in excellent mechanical condition, as determined by the Office, or by an independent third party inspection service approved by the Office;
 - (3) Be in excellent condition in appearance, including having no body damage on its exterior;
 - (4) Not be a salvaged vehicle; and
 - (5) Not have been driven more than three hundred thousand (300,000) miles at the time the application is filed.
- (c) The vehicle and its owner shall be in compliance with all applicable provisions of this title, including without limitation the insurance requirements of Chapter 9 and the equipment requirements of Chapter 8; and
 - (d) The application shall be filed not later than sixty (60) days prior to the date by which the vehicle must be retired pursuant to §§ 609.2 - 609.5.
 - (e) The application for extension shall be filed by the owner on a form established by the Office, executed under oath, together with a filing fee of fifty dollars (\$50) and accompanied by information and documentation.
 - (f) If the application is granted, the extension shall not extend the applicable service life based on age by more than three (3) years or based on mileage by more than one hundred thousand (100,000) miles.

609.8 Notwithstanding the provisions of §§ 609.3-609.5, the owner of a vehicle may file an application with the Office for approval of a proposed conversion of the vehicle's propulsion and/or wheelchair accessibility, to be professionally and timely completed by an established business recognized in the public vehicle-for-hire industry as performing such conversions to all applicable industry standards and provisions of this title and other applicable laws, including all ADA standards. If the conversion is approved, it shall be timely performed, and following inspection of the vehicle by the Office, the vehicle's remaining service life pursuant to §§ 609.4 shall be based on the conversion. Written evidence of the approval shall thereafter be carried in the vehicle at all times and presented upon demand by a District enforcement official.

609.9 The Office may issue an instruction, issuance, or guidance pursuant to Chapter 7 concerning this section.

Chapter 10, PUBLIC VEHICLES FOR HIRE, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended to read as follows:

Section 1001, ELIGIBILITY FOR A HACKER'S LICENSE, is amended as follows:

A new Subsection 1001.16 is added to read as follows:

- 1001.16 The Office shall not issue a DCTC accessible vehicle identification (“AVID”) operator’s license unless the applicant has completed training on interfacing with persons with disabilities, operating mobility equipment, passenger assistance techniques and operating wheelchair accessible vehicles, as required by the Office in an administrative issuance, instruction, or guidance.

Section 1010, ISSUANCE OF VEHICLE LICENSES TO OWNERS OF PUBLIC VEHICLES FOR HIRE, is amended to read as follows:

1010 ISSUANCE OF DCTC VEHICLE LICENSES

- 1010.1 Nothing in this chapter shall be construed as creating a right of action against the District of Columbia based on the loss or diminution in value of, or in the loss of transferability of, any legal right or property interest which was due, in whole or in part, to action or inaction by any person in violation of the provisions of this title or other applicable law, including any person not subject to the jurisdiction of the District or the Office.
- 1010.2 Nothing in this chapter shall be construed to alter the legal rights or obligations of any person under any provision of the D.C. Municipal Regulations other than the rules and regulations of the Commission in this title.
- 1010.3 Each owner of a public vehicle-for-hire prior to operating in the District shall obtain a DCTC vehicle license from the Office, except as provided in § 1010.4.
- 1010.4 A DCTC vehicle license is not required for the following vehicles:
- (a) Sightseeing vehicles owned by a school, school board, or similar body;
 - (b) Sightseeing vehicles transporting passengers to the District from a point outside the District, if the total operation of the vehicle does not exceed fifteen (15) days during any license year (April 1st through March 31st); and
 - (c) Sightseeing vehicle registered elsewhere than in the District which does not operate for more than fifteen (15) days during any license year (April 1st through March 31st).
- 1010.5 The owner of the vehicle (“applicant”) shall file an application for a license with the Office, which shall determine whether or not the vehicle shall be registered in the District, as required by all applicable provisions of this title, DMV regulations and other applicable laws. The Office’s determination shall be noted upon the application.

1010.6 An applicant shall be eligible for a DCTC transferable taxicab vehicle license only if the applicant meets the requirements of §§ 1010.7 and 1010.8. A DCTC transferable taxicab vehicle license shall not guarantee its holder's privilege to be issued DMV vehicle registration or tags where the issuance of registration or tags would be inconsistent with DMV rules or regulations or other applicable laws. Any DCTC vehicle license which is not a DCTC transferable vehicle license may not be sold, devised, gifted, or otherwise transferred by its holder to any other person.

1010.7 An applicant for a DCTC transferable taxicab vehicle license shall:

- (a) Be a person which:
 - (a) Possesses a current DCTC vehicle license for a taxicab in active service;
 - (b) Is eligible to be issued a new DCTC vehicle license for a taxicab under § 504.13 (b); or
 - (c) Is a taxicab company participating the Coordinated Alternative Paratransit (CAPS-DC) Pilot Program under Chapter 18 for a new vehicle which it is required to purchase as a condition of participation in the program; and
- (b) Demonstrates to the satisfaction of the Office that it is ready and able to comply with the applicable provisions of § 1010.8.

1010.8 A DCTC transferable taxicab vehicle license shall be used only as follows:

- (a) At all times by each holder of the license: for a vehicle which, at the time it is first placed into service by its original owner, uses the best available propulsion and is wheelchair accessible, pursuant to § 609;
- (b) By the person to whom the license is first issued: for a new vehicle;
- (c) By a person to whom the license has been transferred with approval of the Office pursuant to § 1010.9:
 - (1) For a new vehicle; or
 - (2) For a vehicle already in service, for the duration of its time and mileage prior to retirement under § 609, notwithstanding the limitations of § 609.6;
- (d) Is operated by an operator who possesses a DCTC accessible vehicle identification (“AVID”) operator’s license; and

- (e) Is operated in compliance with all other applicable provisions of this title and other applicable laws, including all DMV rules and regulations.

1010.9 Each transfer of a DCTC transferable taxicab vehicle license shall be approved by the Office prior to the use of the license as follows:

- (a) An applicant shall use a form established by the Office, executed under oath, and accompanied by a description of the terms of the proposed transfer, a proposed purchase and sale agreement or other legal document by which the ownership of the license may be transferred, such information and documentation as may be required by the Office, and a fee of one hundred dollars (\$100);
- (b) The applicant shall demonstrate to the satisfaction of the Office that the transfer would not impair the continued transferability or use of the license in the manner required by the applicable provisions of this title; and
- (c) The Office shall issue a written decision to approve or deny the application within ten (10) days, and shall explain the reasons for its decision in the event of a denial. A decision to deny the application may be appealed to the Chief of the Office, and thereafter to the Commission, whose decision shall be a final agency decision.

1010.10 If the Office determines that a vehicle need not be registered in the District, the applicant shall meet the requirements of § 1010.13.

1010.11 Each applicant shall submit the application to the Office of the Chief Financial Officer (“OCFO”) for a determination of applicable taxes. OCFO shall note compliance with any applicable tax requirements upon the application.

1010.12 Each applicant whose vehicle is registered in the District shall present evidence that the vehicle has been inspected by DMV and is in compliance with all other provisions of this title relating to vehicle safety and passenger comfort.

1010.13 Each applicant shall present evidence satisfactory to the Office that the vehicle is insured under the provisions of Chapter 9. The Office shall act as agent for the purpose of enforcing insurance regulations and shall maintain records necessary to perform that function.

1010.14 Each application shall be made on a form provided by the Office, and shall state the owner’s full name, place of residence and business addresses, and any other information and documentation required by the Office.

1010.15 DMV, acting as agent for the Office, shall inspect taxicabs to ensure compliance with the equipment requirements of the Commission’s regulations, including au-

thorized vehicle type, paint color(s), trade name, insignias, rate and passenger rights signs, meter seals, dome lights, upholstery condition, sanitation, and other provisions of this title.

- 1010.16 The Office shall determine from its own records whether a taxicab owner is in compliance with the color and insignia requirements with respect to company, association, or independent taxicab status.
- 1010.17 The Office, upon receipt of an application for a public vehicle-for-hire and evidence satisfactory to the Office that all requirements of this title have been met, and upon receipt of the proper fee, shall issue the appropriate vehicle license to the owner.
- 1010.18 The Office shall collect the prescribed fees for each DCTC vehicle license sought by the applicant.
- 1010.19 Each vehicle license shall be in form prescribed by the Office and shall contain any information which the Office deems appropriate.
- 1010.20 The Office shall record and maintain records of assignments made by licensees to whom licenses have been issued under this chapter. Each assignment shall be made in the form prescribed by the Office.

Chapter 99, DEFINITIONS, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended as follows:

Subsection 9901.1, of Section 9901, DEFINITIONS, is amended to add these definitions as follows:

“DCTC transferable taxicab vehicle license” – A DCTC taxicab vehicle license which may be transferred from its owner to any person by any lawful means, without reapplication, and which provides its owner with a corresponding privilege to apply to DMV for registration and tags, as stated in § 1010 and subject to all DMV rules and regulations and other applicable laws. A DCTC transferable taxicab vehicle license shall not guarantee its holder’s privilege to be issued DMV vehicle registration or tags where the issuance of registration or tags would be inconsistent with DMV rules or regulations or other applicable laws.

“Modern taxicab association” – An association of taxicab owners whose members are required to convert their vehicles to wheelchair accessible vehicles as required by § 504.

“MTA” – A modern taxicab association, as defined in this chapter.

“Shift” – A twelve (12) hour period of time which covers at least one (1) rush-

hour.

“WAV” – A wheelchair accessible vehicle, as defined in this chapter.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF FINAL RULEMAKING

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c)(2), (3), (4), (5), (19), 14, 20, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2) (3), (4), (5), (19)), 50-313, 50-319, and 50-320 (2012 Repl. & 2014 Supp.)), and D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Repl. & 2014 Supp.), hereby gives notice of its intent to adopt amendments to Chapter 12 (Luxury Services – Owners, Operators, and Vehicles) and Chapter 99 (Definitions) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The amendments to Chapter 12 change the name of “sedan” to “black car” to keep Title 31 consistent with the terminology used throughout the national public vehicle-for-hire industry, to eliminate certain implementation dates which have passed, and to clarify the existing rules. No substantive change is intended by the update to the terminology. The term “black car” as used throughout Title 31 has the same meaning for all purposes as the term “sedan” in the Act. The amendments to Chapter 99 add a definition of “sedan” which is synonymous with the term “black car”. The proposed amendments also clarify the definitions of “limousine”.

The original proposed rulemaking was adopted by the Commission on April 9, 2014 and published in the *D.C. Register* on May 9, 2014 at 61 DCR 4743. The original proposed rulemaking for amendments to Chapter 99 was published in the *D.C. Register* on May 16, 2014 at 61 DCR 5048. The Commission held a public hearing on the proposed rules on April 30, 2014, to receive oral comments on the proposed rules. The Commission received valuable comments from the public at the hearing and throughout the comment period which expired on June 15, 2014. The second proposed rulemaking was adopted by the Commission on August 6, 2014 and published in the *D.C. Register* on October 3, 2014 at 61 DCR 10315. The Commission received valuable comments from the public and throughout the second comment period which expired on November 2, 2014. No substantive changes have been made. Minor changes have been made to correct grammar and typographical errors, to provide clarity throughout the chapter, or to lessen the burdens established by the proposed rules.

The Commission voted to adopt this rulemaking as final on December 11, 2014, and it will become effective upon publication in the *D.C. Register*.

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

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

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

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

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

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

Section 1201, GENERAL REQUIREMENTS, is amended as follows:

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

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

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

1201.2 The Office may issue Office issuances, instructions, and guidances approving certain vehicles as meeting the definition of “black car” in Chapter 99.

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

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

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

- (e) Is in compliance with Chapter 9 (Insurance Requirements).

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

1201.5 Operating requirements. Luxury class service shall not be provided unless, from the time each trip is booked, through the conclusion of the trip, all of the following requirements are met:

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

- (6) Is kept in the vehicle readily available for immediate inspection by a District enforcement official (including a public vehicle enforcement inspector (hack inspector)).
- (f) Where limousine service is provided, the trip is booked by contract reservation based on an hourly rate;
- (g) Where black car service is provided, the trip is conducted in accordance with the operating requirements of Chapter 14 of this title;
- (h) The trip is not booked in response to a street hail solicited or accepted by the operator or by any other person acting on the operator's behalf; and
- (i) There is no individual present in the vehicle who is not the operator or a passenger for whom a trip is booked or payment is made.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The title is amended to read as follows:

1213 WHEELCHAIR ACCESSIBILITY REQUIREMENTS FOR LCS ORGANIZATIONS PROVIDING BLACK CAR SERVICE

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

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

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

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

- (a) At least six percent (6%) of such vehicles shall be wheelchair-accessible by December 31, 2014;

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

Section 1220, PROHIBITIONS, is amended as follows:

Subsection 1220.3 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:

1220.3 No operator shall provide black car service except as provided in this chapter and in Chapter 14 of this title.

Chapter 99, DEFINITIONS, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended to read as follows:

Section 9901, DEFINITIONS, is amended as follows:

Subsection 9901.1, is amended to add the following definitions to read as follows:

“Black car” - a sedan that:

- (a) Is a Luxury Class Vehicle;
- (b) Is not stretched;
- (c) Is any “dark” color other than 15-1150 TCX, 15-1150 TPX, 16-035 TCX, or 16-035 TPX, or any “black” color, as defined by Pantone LLC (available at: <http://www.pantone.com/pages/pantone/colorfinder.aspx>); and
- (d) Has a passenger volume of at least ninety five (95) cubic feet, according to the EPA (available at: <http://www.fueleconomy.gov/feg/powerSearch.jsp>).

“Limousine” - a public vehicle-for-hire, having a seating capacity of nine (9) or fewer passengers, exclusive of the driver, with three (3) or more doors that operates exclusively through advanced registration or by contract fixed solely by the hour (also known as a contract livery) and which shall not accept street hails.

“Sedan” – A black car as defined in this chapter. Sedan and black car are synonymous throughout Title 31.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF FINAL RULEMAKING

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c)(2), (3), (4), (5), (7), (19), 14, 20, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2) (3), (4), (5), (7), (19)), 50-313, 50-319, and 50-320 (2012 Repl. & 2013 Supp.)), and D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Repl. and 2013 Supp.); hereby gives notice of its intent to adopt as final amendments to Chapter 14 (Operations of Sedans) and Chapter 99 (Definitions) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The amendment to Chapter 14: clarify the rules for the operation of sedans; change the name of “sedan” to “black car” to keep Title 31 consistent with the terminology used throughout the national public vehicle-for-hire industry; eliminate certain implementation dates which have passed; require black cars to be designated as “smoking” or “non-smoking”; eliminate the requirement that inventories be maintained with the Office of Taxicabs; and make other changes necessary to clarify the obligations of black car operators under this chapter. The term “black car” as used throughout Title 31 has the same meaning for all purposes as the term “sedan” in the Act. Provisions concerning a proposed class of public vehicle-for-hire service – “private sedan service” – have been removed from the final rulemaking. A proposed alternative means of compliance with the documentation requirements in § 1402.4 have been removed for lack of legal sufficiency. The amendment to Chapter 99 adds a definition of “false dispatch” for an operator’s solicitation or acceptance of an illegal street hail under the pretense of digital dispatch.

The original proposed rulemaking was adopted by the Commission on April 9, 2014 and published in the *D.C. Register* on May 9, 2014 at 61 DCR 4749. The proposed rulemaking for the amendment to Chapter 99 was published in the *D.C. Register* on May 16, 2014 at 61 DCR 5048. The Commission held a public hearing on the proposed rules on April 30, 2014, to receive oral comments on the proposed rules. The Commission received valuable comments at the hearing and throughout the comment period which expired on June 15, 2014. The comments were carefully considered and necessitated a second publication. The second proposed rulemaking was adopted by the Commission on August 6, 2014 and published in the *D.C. Register* on October 3, 2014 at 61 DCR 10321. The Commission received valuable comments from the public during the second comment period which expired on November 3, 2014. Following careful consideration of the comments, no substantial changes have been made to the second proposed rulemaking. The rulemaking has been reorganized for clarity, references to “private sedan service” have been removed, and minor changes have been made to correct grammar and typographical errors, and to lessen the burdens established by the rules.

The Commission voted to adopt this rule as final on December 10, 2014, and it will become effective upon publication in the *D.C. Register*.

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

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

CHAPTER 14 OPERATION OF BLACK CARS

1400 APPLICATION AND SCOPE

1400.1 This chapter establishes operating requirements applicable to the businesses and individuals that provide black car service, to ensure the safety of passengers, operators, and the general public, to protect consumers, to require the collection of and payment to the District of Columbia of a passenger surcharge, and for other lawful purposes.

1400.2 The provisions of this chapter shall be interpreted to comply with the language and intent of the Establishment Act, as amended.

1400.3 Additional requirements for the owners, operators, and vehicles that participate in providing black car service are contained in Chapter 12.

1400.4 Additional requirements for digital dispatch services are contained in Chapter 16.

1400.5 In the event of a conflict between a provision of this chapter and a provision of another chapter of this title, the more restrictive provision shall control.

1401 GENERAL PROVISIONS

1401.1 Each trip by a black car in the District shall meet the following requirements, in addition to other requirements set forth in this title:

- (a) It shall be booked through a digital dispatch and paid for by a digital payment processed by a digital dispatch service which is in compliance with Chapter 16 and this chapter;
- (b) The owner, operator, and vehicle shall be in compliance with this title, including all licensing and insurance requirements; and
- (c) The vehicle shall be designated and maintained as “smoking” or “non-smoking” pursuant to § 1402.9, a designation which shall be disclosed to the passenger prior to the passenger’s acceptance of service.

1401.2 No person shall participate in providing black car service in the District without first having procured all applicable licenses and met all requirements of this title and other applicable laws. A violation of this subsection shall subject the violator to a civil fine of five hundred dollars (\$500) and any other penalty authorized by the Act or an applicable provision of this title.

1402 OPERATING REQUIREMENTS

- 1402.1 Each black car owner, operator, and vehicle shall, at all times, be in compliance with all applicable provisions of this chapter and Chapter 12.
- 1402.2 Each operator shall associate only with, and use a digital payment system (“DPS”) made available by, a DDS which is in compliance with this chapter, Chapter 16, and other applicable laws.
- 1402.3 Each operator and owner shall cooperate with the Office and District enforcement officials, including complying with all compliance orders issued orally and in writing. Failure to timely and fully comply with a compliance order shall subject the operator or owner to the civil penalties provided in Chapter 7.
- 1402.4 Each operator shall at all times carry on his or her person, or have readily available inside the vehicle for production upon demand by a District enforcement official, the following documents:
- (1) The operator’s personal driver’s license;
 - (2) The vehicle registration;
 - (3) The operator’s DCTC operator’s license identification card; and
 - (4) An insurance card evidencing a valid and effective commercial insurance policy meeting the requirements of Chapter 9.
- 1402.5 Each black car owner, operator, and vehicle shall at all times be in compliance with the insurance requirements of Chapter 9. Failure to comply with insurance requirements shall subject the violator to the civil penalties in Chapter 9.
- 1402.6 The fare for black car service, if any, shall be:
- (a) Be based on time and distance rates as set by the DDS except for a set fare for a route approved by the Office order for a well-traveled route, including a trip to an airport or to an event;
 - (b) Be consistent with the DDS’ statement of its fare calculation method posted on its website pursuant to Chapter 16;
 - (c) Be disclosed to the passenger in a statement of the DDS’ fare calculation method;
 - (d) Be used to calculate an estimated fare, if any, and disclosed to the passenger prior to the acceptance of service;
 - (e) State whether demand pricing applies and, if so, the effect of such pricing on the estimate;

- (f) Not exceed the estimated fare, if any, by more than twenty percent (20%) or twenty five dollars (\$25), whichever is less, unless the excess is due to delays or stopovers en route at the request of the passenger, or other factors beyond the operator's control, such as traffic, accidents, or construction;
 - (g) Not include a gratuity that does not meet the definition of a "gratuity" as defined in this title; and
 - (h) Include the passenger surcharge.
- 1402.7 Each charge other than a passenger rate or charge, such as a trip cancellation fee, membership fee, or other similar charge, shall be disclosed to the passenger prior to acceptance of the service.
- 1402.8 Each black car operator shall provide service only if all the passengers in the vehicle are passengers who have been picked up pursuant to a digital dispatch. No other passenger shall be allowed in the vehicle.
- 1402.9 Each black car owner shall designate each vehicle as a "smoking" or a "non-smoking" vehicle, and shall maintain the vehicle as follows:
- (a) No "smoking" vehicle or vehicle in which smoking has occurred in the prior two (2) years shall be designated or re-designated as a "non-smoking" vehicle.
 - (b) If a vehicle is designated as a "non-smoking" vehicle, smoking shall not be permitted in the vehicle at any time by any individual, including the operator.
 - (c) If a vehicle is designated as a "smoking" vehicle:
 - (1) When the operator is providing service, smoking shall only be permitted with prior consent of all passengers pursuant to the Smoking Restriction Act; and
 - (2) When the operator is providing service, the operator shall not smoke or handle tobacco products, lighters, or matches.
 - (d) The designation of a vehicle as "smoking" or "non-smoking" shall be disclosed to the passenger prior to the acceptance of the service.
 - (e) The Office may require each owner to file the designation of a vehicle under this subsection in a form it deems appropriate, for which it shall not charge the owner an administrative fee.
- 1402.10 Each operator shall comply with the following operating requirements:

- (a) § 807.3 (Distracted Driving Safety Act);
- (b) § 807.4 (Use of mobile phone or other electronic device);
- (c) § 810.2 (Unauthorized signs);
- (d) § 814.7 (Counterfeiting of documents);
- (e) §§ 816.1-816.14 (Standards of conduct including reporting of arrest);
- (f) § 817.1 (Harassment and use of physical force);
- (g) § 818 (Prohibition of discrimination);
- (h) § 819.1-819.5 (Consumer service and passenger relations);
- (i) § 821.5 (Prohibition of loitering);
- (j) § 821.7 (Prohibition on using taxicab stands);
- (k) § 823 (Manifest – written or electronic); and
- (l) § 828 (Reciprocity with surrounding jurisdictions).

1403 PROHIBITIONS

- 1403.1 No operator shall provide service or sign into a DPS if either the operator or the vehicle does not have all current and valid licenses required by this title and other applicable laws.
- 1403.2 No operator shall provide service while under the influence of illegal intoxicants, or under the influence of legal intoxicants that have been prescribed with a warning against use while driving or operating equipment.
- 1403.3 No operator shall solicit or accept a street hail, engage in false dispatch, loiter, cruise, or use a taxicab stand.
- 1403.4 No operator shall accept a payment from a passenger, or provide service, unless the amount of the fare (including any gratuity), and the method of payment, comply with all applicable provisions of this chapter and Chapter 16.
- 1403.5 No operator shall access or attempt to access a passenger's payment information after the payment has been processed.

1404 PENALTIES

1404.1 Each violation of this chapter by a black car owner or operator shall subject the owner or operator to:

- (a) A civil fine established by a provision of this chapter;
- (b) Enforcement action other than a civil fine, as provided in Chapter 7. In the case of an operator suspended pursuant to Chapter 7, in addition to any conditions available under Chapter 7, one or more of the following conditions may be imposed, at the expense of the operator, where the Office determines the condition is related to the violation, including, but not limited to:
 - (1) Completion of an anger management course, cultural sensitivity course, sexual harassment course, driver education, or another subject related to the misconduct; or
 - (2) Re-taking of the DCTC operator's training course;
- (c) Impoundment of the vehicle pursuant to the Impoundment Act; or
- (d) A combination of the sanctions enumerated in parts (a)-(c).

1404.2 Except where otherwise specified in this title, the following civil fines are established for violations of this chapter, which shall double for the second violation of the same provision, and triple for the third and subsequent violations of the same provision thereafter:

- (a) A civil fine of two hundred fifty (\$250) dollars where no civil fine is enumerated;
- (b) For a violation of § 1402.3 for failure to cooperate: a civil fine of five hundred dollars (\$500);
- (c) For a violation of § 1402.4 for failure to comply with documentation requirements: a civil fine of three hundred dollars (\$300);
- (d) For a violation § 1402.6(g) by accepting an unlawful gratuity: a civil fine equal to ten (10) times the amount of the unlawful gratuity, or three hundred dollars (\$300), whichever is greater;
- (e) For a violation of § 1402.10 (g) by violating § 818 (Prohibition of discrimination) or § 1402.10 (h) by violating § 819.1-819.5 (Consumer service and passenger relations): a civil fine of seven hundred fifty dollars (\$750).

- (f) For a violation of § 1403.3 by soliciting or accepting a street hail:
 - (1) First offense: a civil fine of five hundred dollars (\$500); and
 - (2) Second and subsequent offenses: a civil fine of seven hundred fifty dollars (\$750);
- (g) For a violation of § 1403.3 by engaging in false dispatch:
 - (1) First offense: a civil fine of one thousand dollars (\$1,000); and
 - (2) Second and subsequent offenses: a civil fine of one thousand five hundred dollars (\$1,500);
- (h) For a violation of § 1403.6 by engaging in conduct which causes a passenger surcharge to not be collected from the passenger, except where permitted by § 1403.6, or which causes a passenger surcharge to not be paid to the District: a civil fine of five hundred dollar (\$500).

1404.3 An operator charged with a violation of § 1403.3 for false dispatch may, without notice, be adjudicated liable for the lesser-included violation of solicitation or acceptance of a street hail, as determined by the trier of fact based on the evidence presented, but shall not be held liable for both violations.

1404.4 Penalties for the violation of a provision of this chapter by a DDS shall be in accordance with the penalty provisions of Chapter 16.

1404.5 The enforcement of this chapter shall be governed by the procedures of Chapter 7.

Chapter 99, DEFINITIONS, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended to read as follows:

Section 9901, DEFINITIONS, is amended as follows:

Subsection 9909.1 is amended to add the definition as follows:

“False dispatch” – the solicitation or acceptance of a street hail by an operator not legally permitted to solicit or accept a street hail, under the pretense of digital dispatch. The acceptance by the passenger of a digitally dispatched trip originating after the operator and passenger have made visual contact, after the passenger has entered the vehicle, or where the vehicle has been cruising or loitering, shall give rise to a presumption, rebuttable by the operator, that the operator engaged in false dispatch.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF FINAL RULEMAKING

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c)(2), (3), (5), (7), (8), (19), 14, 20, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2) (3), (5), (7), (8), (19), 50-313, 50-319, and 50-320 (2012 Repl. & 2014 Supp.)), and D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Repl. & 2014 Supp.), hereby gives notice of its intent to adopt amendments to Chapter 16 (Dispatch Services) and Chapter 99 (Definitions) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

This final rulemaking amends the existing regulations for dispatch in Chapter 16, to facilitate the establishment of the District of Columbia Taxicab Industry Co-op (“Co-op”). The Co-op would be an industry-owned association organized under the laws of the District of Columbia to promote the use of DCTC-licensed taxicabs, including wheelchair accessible vehicles, by the residents of and visitors to the District. The Co-op would manage, and provide service and support for the District of Columbia Universal Taxicab App (“DC TaxiApp”), with which all DCTC-licensed taxicabs would be equipped, in addition to any other apps their owners and operators wish to use. Operators would not be required to accept requests for service made through the DC TaxiApp. The Co-op would establish and maintain competitive, market-based rates and charges for trips booked through the DC TaxiApp. All definitions applicable to this chapter would appear in Chapter 99.

The Co-op would support the long-term viability of the metered taxicab industry, to help ensure continued availability of street hail service and wheelchair accessible vehicles, which is in the interest of the District and within the authority of the Commission. The rulemaking would promote the public interest in taxicab transportation by insuring that adequate and high quality taxicab service is provided to all quadrants and neighborhoods of the District; promote and maintain a healthy and viable taxicab industry by leveling the competitive playing field of metered taxicabs with emerging classes of for-hire transportation; provide for the universal availability and utilization of current transportation equipment and technology; and increase and promote the availability for wheelchair accessible taxicab service throughout the District, among numerous other policy and legal interests served by the rulemaking.

The proposed rulemaking was adopted by the Commission on October 8, 2014 and published in the *D.C. Register* on October 24, 2014 at 61 DCR 11234. The Commission held a public hearing on the proposed rules on November 6, 2014, to receive oral comments on the proposed rules. The Commission received valuable comments from the public at the hearing and throughout the comment period which expired on November 24, 2014. The Commission did not need to make any substantial changes and no substantial changes have been made. The changes to the text from the original proposed rules impose no additional legal obligations on stakeholders, but reorder language for clarity, logical presentation, and readability. Penalties which would have been imposed on charter members if the Co-op is not formed have been removed. Ongoing regulatory obligations which would have been imposed on the Co-op following its formation

have been removed, and a portion of these obligations are now reflected as required elements of the Co-op's bylaws, together with additional actions which the Co-op would be able to undertake if it chooses to do so. Additional non-substantial changes have been made to correct grammar, clarify initial intent, and clarify proposed procedures, including milestone dates for the establishment of the Co-op and implementation of the DC TaxiApp.

This final rulemaking was adopted by the Commission on December 10, 2014, and will take effect upon publication in the *D.C. Register*.

Chapter 16, DISPATCH SERVICES, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended as follows:

The title of Chapter 16 is amended to read as follows:

Chapter 16, DISPATCH SERVICES AND DISTRICT OF COLUMBIA TAXICAB INDUSTRY CO-OP

Section 1600, APPLICATION AND SCOPE, is amended as follows:

Subsections 1600.1 and 1600.2 are amended to read as follows:

- 1600.1 This chapter establishes regulations for dispatch services, and for taxicab owners and operators, and facilitates the creation of the District of Columbia Taxicab Industry Co-op ("Co-op").
- 1600.2 The provisions of this chapter shall be interpreted to comply with the language and intent of the Establishment Act, as amended.

Section 1601, GENERAL REQUIREMENTS, is amended as follows:

Subsection 1601.1 is amended to read as follows:

- 1601.2 Nothing in this chapter shall be construed as:
- (a) Soliciting or creating a contractual relationship, agency relationship, or employer-employee relationship between the District of Columbia and any other person; or
 - (b) Delegating to any person a non-delegable legal duty of the Commission of the Office. A rule or standard of the Co-op shall not be construed as a rule or regulation of the Commission.

Section 1603, OPERATING REQUIREMENTS FOR ALL DISPATCH SERVICES, is amended as follows:

Subsection 1603.18 is deleted and reserved.

Section 1605, PROHIBITIONS, is amended as follows:

Subsection 1605.5 is deleted.

A new Subsection 1605.5 is added to read as follows:

1605.5 Once a trip has been accepted by a taxicab operator through the DC TaxiApp, the taxicab operator shall not fail to pick up the passenger or to complete the trip after the passenger has been picked up. A violation of this subsection shall be treated as a refusal to haul pursuant to Chapter 8, and subject to the penalties provided in that chapter. No taxicab operator shall be required to accept a trip through the DC TaxiApp.

Subsections 1605.6 and 1605.8 are deleted and reserved.

Section 1607, PENALTIES, is amended as follows:

A new Subsection 1607.2 is added to read as follows:

1607.2 A taxicab owner or operator that violates this chapter shall be subject to the civil penalty stated in the applicable provision of this chapter.

A new Section 1612, DISTRICT OF COLUMBIA UNIVERSAL TAXICAB APP, is added to read as follows:

1612 DISTRICT OF COLUMBIA UNIVERSAL TAXICAB APP

1612.1 Not later than one hundred eighty (180) days after the effective date of this section (“implementation date”), each DCTC taxicab operator shall provide service only when able to receive requests for service through the District of Columbia Universal Taxicab App (“DC TaxiApp”).

1612.2 Nothing in this section or § 1613 shall be construed to prevent any person from using any digital dispatch service.

1612.3 The rates and charges, if any, for trips booked through the DC TaxiApp, shall be established by the Co-op pursuant to § 1613.

A new Section 1613, DISTRICT OF COLUMBIA TAXICAB CO-OP, is added to read as follows:

1613 DISTRICT OF COLUMBIA TAXICAB INDUSTRY CO-OP

- 1613.1 The Co-Op shall be an industry-owned cooperative association, chartered to promote the use of all available DCTC-licensed taxicabs, including wheelchair accessible vehicles, by the residents of and visitors to the District.
- 1613.2 The Co-op shall provide all necessary service and support for the DC TaxiApp in the manner prescribed by this section, § 1612, and any license agreement with the District.
- 1613.3 The Co-op shall be owned and operated for the mutual benefit of its members, including independent owners, taxicab companies, taxicab associations, and taxicab operators.
- 1613.4 Each taxicab company required by D.C. Official Code § 50-329.02 to provide dispatch services shall be a charter member of the Co-op, and shall remain a member of the Co-op. Each taxicab company or association with between twenty (20) and ninety nine (99) vehicles, each independent owner, and each taxicab operator may be, but shall not be required to be, a member of the Co-op.
- 1613.5 Each member of the Co-op shall provide a capital contribution based on the number of vehicles it owns or with which it is associated.
- 1613.6 Within fourteen (14) days after the effective date of this section, the charter members shall select three (3) individuals to act as incorporators for the purpose of establishing the Co-op.
- 1613.7 Within thirty (30) days after the effective date of this section, the charter members shall cause the incorporators to file with the Office proposed bylaws and other documents to establish the Co-op in compliance with District regulations and laws applicable to the incorporation of a domestic cooperative association, which shall include terms and conditions in the bylaws for the Co-op to:
- (a) Maintain a physical place of business in the District;
 - (b) Establish and maintain a digital dispatch service to be operated in compliance with this title and other applicable laws, which makes the DC TaxiApp available to all taxicab owners and operators;
 - (c) Not give preferential treatment to any person or group of persons regulated by this title or other applicable law, including any member of the Co-op or other person, in its operations; in the marketing, availability, or functionality of the DC TaxiApp; or in the rates and charges which the Co-op sets for trips booked through the DC TaxiApp;
 - (d) Execute any necessary license agreement for the use of the DC TaxiApp, and comply with all terms and conditions thereof;

- (e) Establish, maintain, and publicize competitive, market-based rates and charges for trips booked through the DC TaxiApp, including such fees as necessary to support the operations of the Co-op;
- (f) Develop, distribute, and require the acceptance of terms of service between the Co-op and vehicle owners and operators, and between the Co-op and passengers, including a distribution agreement with vehicle owners concerning the revenue generated through the use of the DC TaxiApp;
- (g) Market the DC TaxiApp to encourage its use by all passengers seeking service from a DCTC-licensed taxicab;
- (h) Maintain a fair, reasonable, and non-discriminatory system which allows the passenger to rate the operator based on the quality of service received;
- (i) Promote the availability of wheelchair accessible taxicab service, and use incentives to owners and operators;
- (j) Carry such commercial insurance as necessary in connection with the use of the DC TaxiApp;
- (k) Maintain its business records for five (5) years;
- (l) Comply with all applicable provisions of this title for enforcement and compliance to the same extent as if the Co-op were a taxicab company or association, including, where appropriate, filing a public complaint with the Office against any person in connection with a violation of this section or § 1612;
- (m) Establish rules and standards for its operations, including rules and standards for the safe and prompt provision of service through the DC TaxiApp;
- (n) Apply for any necessary grants made available by the Office, and comply with all terms and conditions thereof;
- (o) Engage in any activity authorized by law, not inconsistent with its bylaws, and in the interest of its members, including:
 - (1) Offering insurance, such as life, health, dental, disability, and vehicle;
 - (2) Providing retirement and savings plans, and other benefits; and
 - (3) Offering discounts on goods and services of interest to members;

- (p) Conduct its business to ensure that no person is required to act in a manner contrary to an obligation imposed by this title or other applicable law;
- (q) Comply with all applicable District and federal laws and regulations, and engage only in fair and lawful competition;
- (r) Not make any change in its bylaws which conflicts with the Office's approval pursuant to § 1613.8, or with any provision of this title or other applicable law; and
- (s) Provide that the District shall have standing to enforce the requirements of this section and § 1612 through an appropriate action at law or in equity in the District of Columbia Courts.

1613.8 The Office shall review the documents filed pursuant to § 1613.7 for purposes of ensuring compliance with this section, § 1612, and other provisions of this title and other applicable laws. The Office shall issue a written decision within ten (10) days. If the Office does not approve the filing, it shall state the basis of its decision in detail. The documents shall be modified and re-filed consistent with the Office's direction within fourteen (14) days. Each charter member shall have standing to appeal the Office's decision to deny approval to the Chief of the Office, whose decision may be further appealed to the Commission. A decision of the Commission shall be a final agency decision.

1613.9 Within thirty (30) days after the approval required by §§ 1613.8, the charter members shall cause the incorporators to:

- (a) Conclude the legal establishment of the Co-op and its digital dispatch service under this title and other applicable laws;
- (b) Obtain a physical place of business for the Co-op within the District; and
- (c) Schedule a meeting to be held within thirty (30) to sixty (60) days following the issuance of public notice to all prospective members of the Co-op, to:
 - (1) Elect a board of directors;
 - (2) Approve the Co-op's bylaws; and
 - (3) Engage in such other business as necessary to begin full daily operation of the Co-op and use of the DC TaxiApp by all taxicab owners and operators not later than the implementation date.

1613.10 During the first twenty four (24) months after the effective date of this section, the Office may make one or more grants to the charter members or to the Co-op in an

amount not to exceed twenty five thousand dollars (\$25,000), to defray the documented expenses to establish or operate the Co-op pursuant to the provisions of this section, § 1612, and other applicable laws, upon such terms and conditions as may be contained in the grant. Each grant shall be made pursuant to all applicable laws, regulations, and guidelines, and any administrative issuance of the Office.

- 1613.11 The Office shall acquire or develop the DC TaxiApp, which shall remain the intellectual property of the District of Columbia. The DC TaxiApp shall be made available by license to the Co-op for its exclusive use in a manner consistent with this section, § 1612, and all applicable laws.
- 1613.12 The Office shall not undertake any enforcement action against a person based upon a violation of a Co-op rule or standard.

Chapter 99, DEFINITIONS, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended as follows:

Section 9901, DEFINITIONS, is amended as follows:

Subsection 9901.1, is amended to add the following definitions to read as follows:

“Co-op” – the District of Columbia Taxicab Industry Co-op, as defined in this chapter.

“DC TaxiApp” – the District of Columbia Universal Taxicab App, as defined in this chapter.

“District of Columbia Taxicab Industry Co-op” – an industry-owned cooperative association which provides service and support for the use of the District of Columbia Universal Taxicab App, as defined in this chapter, and for other lawful purposes.

“District of Columbia Universal Taxicab App” – a software application which allows passengers to book available DCTC-licensed taxicabs by digital dispatch.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

Z.C. Case No. 14-10

(Text Amendment – 11 DCMR)

(Text Amendments to Chapters 7 & 8)

The Zoning Commission for the District of Columbia, 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 §§ 721, 735, 736, 737, 738, and 739 of Chapter 7 (Commercial Districts), as well as §§ 801 and 802 of Chapter 8 (Industrial Districts), of Title 11 (Zoning) of the District of Columbia Municipal Regulations (DCMR).

The proposed text amendments clarify the prohibition against the adjacency of animal boarding, pet grooming, pet shop, veterinary boarding hospital, and animal shelter uses to residential uses in two ways. First, the amendments provide that an animal use shall not be located within twenty-five feet (25 ft.) of a lot within a Residence District and dictate how that distance is to be measured. Second, the amendments address animal uses within the same structure as residential uses, requiring that an applicant demonstrate during the special exception review process that the use would produce no odor or noise objectionable to residential units within the same building. Additionally, the requirement that the animal use take place within a soundproof building would be replaced with a requirement that the use produce no noise objectionable to nearby properties, to be more consistent with the standard special exception criteria. Finally, the proposed text amendments would permit animal boarding uses to operate as a matter of right in the basement or cellar of a building beginning in the in the C-2-A Zone District.

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 7, COMMERCIAL DISTRICTS, of Title 11 DCMR, ZONING, is amended as follows:

Section 721, USES AS A MATTER OF RIGHT (C-2), § 721.2 is amended by adding a new paragraph (a) and by relettering the existing paragraphs so that the entire subsection reads as follows:

721.2 In addition to the uses permitted in C-1 Zone Districts by § 701.1, the following service establishments shall be permitted in a C-2 Zone District as a matter-of-right:

(a) Animal boarding, provided:

(1) The use shall be located within a basement or cellar space;

- (2) The use shall not be located within twenty-five feet (25 ft.) of a lot within a Residence District. The twenty-five feet (25 ft.) shall be measured to include any space on the lot or within the building not used by the animal boarding use and any portion of a street or alley that separates the use from a lot within a Residence District. Shared facilities not under the sole control of the animal boarding use, such as hallways and trash rooms, shall not be considered as part of the animal boarding use;
 - (3) There shall be no residential use on the same floor as the use or on the floor immediately above the animal boarding use;
 - (4) Windows and doors of the space devoted to the animal boarding use shall be kept closed, and all doors facing a residential use shall be solid core;
 - (5) No animals shall be permitted in an external yard on the premises;
 - (6) Animal waste shall be placed in closed waste disposal containers and shall be collected by a licensed waste disposal company at least weekly;
 - (7) Odors shall be controlled by means of an air filtration or an equivalently effective odor control system;
 - (8) Floor finish materials, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable; and
 - (9) An animal boarding use not meeting the provisions of this section may be approved as a special exception subject to § 735;
- (b) Automobile laundry, with reservoir space for at least fifteen (15) automobiles;
 - (c) Automobile rental agency;
 - (d) Billiard parlor or pool hall;
 - (e) Blueprinting or similar reproduction service;
 - (f) Bowling alley; provided, that it shall be soundproof;
 - (g) Catering establishment;

- (h) Dental laboratory;
- (i) Driver's License Road Test Facility;
- (j) Film exchange;
- (k) Funeral, mortuary, or undertaking establishment;
- (l) General indoor storage, not exceeding twenty-five hundred square feet (2,500 sq. ft.) of gross floor area;
- (m) Interior decorating shop;
- (n) Laundry, self service, with no limitations on the gross floor area;
- (o) Laboratory, optical;
- (p) Parcel delivery service;
- (q) Photographic studio;
- (r) Picture framing studio or shop;
- (s) Plumbing or heating shop, excluding outdoor storage;
- (t) Printing, lithographing, or photoengraving establishment, in each case not exceeding twenty-five hundred square feet (2,500 sq. ft.) of gross floor area;
- (u) Public bath, physical culture, or health service;
- (v) Radio or television broadcasting studio not including antenna tower, or monopole;
- (w) Streetcar or bus passenger depot;
- (x) Tailor shop or valet shop, with no limitation on the gross floor area;
- (y) Telegraph office; and
- (z) Veterinary hospital, which may also include the incidental boarding of animals as necessary for convalescence, pet grooming, and the sale of pet supplies, but not as an independent line of business.

Section 735, ANIMAL BOARDING (C-2) is amended to read as follows:

735 ANIMAL BOARDING (C-2)

- 735.1 An animal boarding use may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.
- 735.2 The use shall not be located within twenty-five feet (25 ft.) of a lot within a Residence District. The twenty-five feet (25 ft.) shall be measured to include any space on the lot or within the building not used by the animal boarding use and any portion of a street or alley that separates the use from a lot within a Residence District. Shared facilities that are not under the sole control of the animal boarding use, such as hallways and trash rooms, shall not be considered as part of the animal boarding use.
- 735.3 The animal boarding use shall produce no noise or odor-objectionable to nearby properties, including residential units located in the same building as the use.
- 735.4 The applicant shall demonstrate that the animal boarding use will comply with the following conditions and any Board's approval shall be subject to the use's continued compliance with these standards:
- (a) The animal boarding use shall take place entirely within an enclosed building;
 - (b) Buildings shall be designed and constructed to mitigate noise to limit negative impacts on adjacent properties. Additional noise mitigation shall be required for existing buildings not originally built for boarding of animals, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;
 - (c) The windows and doors of the space devoted to the animal boarding use shall be kept closed, and all doors facing a residential use shall be solid core;
 - (d) No animals shall be permitted in an external yard on the premises;
 - (e) Animal waste shall be placed in closed waste disposal containers and shall be collected by a waste disposal company at least weekly;
 - (f) Odors shall be controlled by means of an air filtration system or an equivalently effective odor control system; and

- (g) Floor finish material, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable.

735.5 The Board may impose additional requirements pertaining to the location of buildings or other structures, entrances and exits; buffers, banners, and fencing, soundproofing, odor control, waste storage and removal (including frequency), the species and/or number of animals; or other requirements, as the Board deems necessary to protect adjacent or nearby property.

735.6 External yards or other exterior facilities for the keeping of animals shall not be permitted.

Section 736, PET GROOMING ESTABLISHMENT (C-2) is amended to read as follows:

736 PET GROOMING ESTABLISHMENT (C-2)

736.1 A pet grooming establishment may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.

736.2 The pet grooming establishment shall produce no noise or odor objectionable to nearby properties, including residential units located in the same building as the use.

736.3 The applicant shall demonstrate that the pet grooming establishment will comply with the following conditions and any Board's approval shall be subject to the use's continued compliance with these standards:

- (a) All animal waste shall be placed in closed waste disposal containers and shall be collected by a waste disposal company at least weekly;
- (b) Odor shall be controlled by means of an air filtration system or an equivalently effective odor control system; and
- (c) No animals shall be permitted in an external yard on the premises.

736.4 The use shall not be located within twenty-five feet (25 ft.) of a lot within a Residence District. The twenty-five feet (25 ft.) shall be measured to include any space on the lot or within the building not used by the pet grooming establishment and any portion of a street or alley that separates the use from a lot within a Residence District. Shared facilities that are not under the sole control of the pet grooming establishment, such as hallways and trash rooms, shall not be considered as part of the pet grooming use.

- 736.5 The sale of pet supplies is permitted as an accessory use.
- 736.6 The Board may impose additional requirements as it deems necessary to protect nearby properties.

Section 737, PET SHOP (C-2) is amended to read as follows:

737 PET SHOP (C-2)

- 737.1 A pet shop may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.
- 737.2 The pet shop shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor, or waste, including residential units located in the same building as the use.
- 737.3 The use shall not be located within twenty-five feet (25 ft.) of a lot within a Residence District. The twenty-five feet (25 ft.) shall be measured to include any space on the lot or within the building not used by the pet shop and any portion of a street or alley that separated the use from a lot within a Residence District. Shared facilities that are not under the sole control of the pet shop, such as hallways and trash rooms shall not be considered as part of the pet shop use.
- 737.4 External yards or other external facilities for the keeping of animals shall not be permitted.
- 737.5 The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

Section 738, VETERINARY BOARDING HOSPITAL (C-2) is amended to read as follows:

738 VETERINARY BOARDING HOSPITAL (C-2)

- 738.1 A veterinary boarding hospital may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.
- 738.2 A veterinary boarding hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808(h)(1).
- 738.3 No more than fifty percent (50%) of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals.

- 738.4 The veterinary boarding hospital shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor, or waste, including residential units located in the same building as the use.
- 738.5 The use shall not be located within twenty-five feet (25 ft.) of a lot within a Residence District. The twenty-five feet (25 ft.) shall be measured to include any space on the lot or within the building not used by the veterinary boarding hospital and any portion of a street or alley that separated the use from a lot within a Residence District. Shared facilities that are not under the sole control of the veterinary boarding hospital, such as hallways and trash rooms shall not be considered as part of the veterinary boarding hospital.
- 738.6 External yards or other external facilities for the keeping of animals shall not be permitted.
- 738.7 Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses.
- 738.8 The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

Section 739, ANIMAL SHELTER (C-2) is amended to read as follows:

739 ANIMAL SHELTER (C-2)

- 739.1 An animal shelter may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.
- 739.2 The animal shelter shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor, or waste, including residential units located in the same building as the use.
- 739.3 The applicant shall demonstrate that the animal shelter use will comply with the following conditions and any Board's approval shall be subject to the use's continued compliance with these standards:
- (a) The animal shelter shall utilize industry standard sound-absorbing materials, such as acoustical floor and ceiling panels, acoustical concrete and masonry, and acoustical landscaping;
 - (b) All animal waste shall be placed in closed waste disposal containers and shall be collected by a waste disposal company at least weekly;

- (c) Odor shall be controlled by means of an air filtration system or an equivalently effective odor control system; and
- (d) External yards or other external facilities for the keeping of animals shall not be permitted unless the entire yard is located a minimum of two hundred feet (200 ft.) from an existing residential use or Residence District.

739.4 The use shall not be located within twenty-five feet (25 ft.) of a lot within a Residence District. The twenty-five feet (25 ft.) shall be measured to include any space on the lot or within the building not used by the animal shelter use and any portion of a street or alley that separated the use from a lot within a Residence District. Shared facilities that are not under the sole control of the animal shelter, such as hallways and trash rooms shall not be considered as part of the animal shelter use.

739.5 The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

Chapter 8, INDUSTRIAL DISTRICTS, is amended as follows:

Section 801, USES AS A MATTER OF RIGHT (C-M), § 801.7(a) is amended so that the entire subsection reads as follows:

801.7 The following additional uses shall be permitted as a matter of right in a C-M District, subject to the standards of external effects in § 804:

- (a) An animal shelter shall be permitted as a matter of right subject to the following standards:
 - (1) The animal shelter shall utilize industry standard sound-absorbing materials, such as acoustical floor and ceiling panels, acoustical concrete and masonry, and acoustical landscaping;
 - (2) Animal shelters shall place all animal waste in closed waste disposal containers and shall utilize a waste disposal company to collect and dispose of all animal waste at least weekly. Odor shall be controlled by means of an air filtration system or an equivalently effective odor control system;
 - (3) The use shall not be located within twenty-five feet (25 ft.) of a lot within a Residence District. The twenty-five feet (25 ft.) shall be measured to include any space on the lot or within the building not used by the animal shelter use and any portion of a street or alley that separated the use from a lot within a Residence District. Shared

facilities that are not under the sole control of the animal shelter, such as hallways and trash rooms shall not be considered as part of the animal shelter use; and

- (4) Outdoor runs and external yards for the exercise of animals shall be permitted, subject to the following requirements:
 - (A) No animals shall be permitted in outdoor runs or external yards between the hours of 8:00 p.m. and 8:00 a.m.;
 - (B) External yards and outdoor runs shall be enclosed with fencing or walls for the safe confinement of the animals and the absorption of noise fencing and/or walls shall be a minimum of eight (8) feet in height and constructed of solid or opaque materials with maximal noise-absorbing characteristics;
 - (C) No more than three (3) animals shall be permitted within any exterior yard or outdoor run at a time; and
 - (D) No part shall be located within two hundred feet (200 ft.) of an existing residential use or Residence District;
- (b) An asphalt plant located in D.C. Village on the part of parcel 253/26 west of Shepherd Parkway, S.W., and east of the Anacostia Freeway (D.C. Village site) if the plant was located in Square 705, Lot 802 on November 21, 2005 and was relocated to the D.C. Village site, provided that the plant:
 - (1) Meets the requirements of 802.17(a) through (h); and
 - (2) Displays no signs visible from the Anacostia Freeway;
- (c) An Electronic Equipment Facility (EEF), provided an EEF exceeding twenty-five percent (25%) of the gross floor area of a building shall not be located within eight hundred feet (800 ft.) of an established or planned Metrorail station or within one thousand, two hundred and fifty feet (1,250 ft.) of the edge of a river as measured at mean high tide;
- (d) Any light manufacturing, processing, fabricating, or repair establishment, except those uses for which a special exception is required pursuant to § 802;
- (e) Carting, express, moving, or hauling terminal or yard;
- (f) Commercial athletic field;
- (g) Driver's License Road Test Facility;

- (h) Experimental, research, or testing laboratory;
- (i) Fire Department Training Facility;
- (j) Incinerator;
- (k) Laundry or dry cleaning establishment, without limitation on gross floor area;
- (l) Motorcycle sales and repair, with no limitation on location;
- (m) Public utility pumping station;
- (n) Repair garage; and
- (m) Wholesale or storage establishment, including open storage, except a junk yard.

Section 802, SPECIAL EXCEPTIONS (C-M), is amended as follows:

Subsections 802.22 and 802.23 are amended to read as follows:

802.22 The animal boarding use shall be located and designed to create no condition objectionable to adjacent properties resulting from animal noise, odor, or waste, including residential units located in the same building as the use.

802.23 The use shall not be located within twenty-five feet (25 ft.) of a lot within a Residence District. The twenty-five feet (25 ft.) shall be measured to include any space on the lot or within the building not used by the animal boarding use and any portion of a street or alley that separates the use from a lot within a Residence District. Shared facilities that are not under the sole control of the animal boarding use, such as hallways and trash rooms, shall not be considered as part of the animal boarding use.

Subsections 802.25 through 802.27 are amended to read as follows:

802.25 A pet grooming establishment may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the following requirements of this subsection:

- (a) The pet grooming establishment shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor, or waste;

- (b) Animal waste shall be placed in closed waste disposal containers and shall be collected by a licensed waste disposal company at least weekly;
- (c) The use shall not be located within twenty-five feet (25 ft.) of a lot within a Residence District. The twenty-five feet (25 ft.) shall be measured to include any space on the lot or within the building not used by the pet grooming establishment use and any portion of a street or alley that separates the use from a lot within a Residence District. Shared facilities that are not under the sole control of the pet grooming establishment, such as hallways and trash rooms, shall not be considered as part of the pet grooming establishment;
- (d) External yards or other external facilities for the keeping of animals shall not be permitted;
- (e) The sale of pet supplies is permitted as an accessory use;
- (f) Odor shall be controlled by means of an air filtration system or an equivalently effective odor control system; and
- (g) The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

802.26

A pet shop may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the following requirements of this subsection:

- (a) The pet shop shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor, or waste;
- (b) The use shall not be located within twenty-five feet (25 ft.) of a lot within a Residence District. The twenty-five feet (25 ft.) shall be measured to include any space on the lot or within the building not used by the pet shop use and any portion of a street or alley that separates the use from a lot within a Residence District. Shared facilities that are not under the sole control of the pet shop, such as hallways and trash rooms, shall not be considered as part of the pet shop use;
- (c) External yards or other external facilities for the keeping of animals shall not be permitted; and
- (d) The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

802.27 A veterinary boarding hospital may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the following requirements of this subsection:

- (a) A veterinary boarding hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808(h)(1);
- (b) No more than fifty percent (50%) of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals;
- (c) The veterinary boarding hospital shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;
- (d) The use shall not be located within twenty-five feet (25 ft.) of a lot within a Residence District. The twenty-five feet (25 ft.) shall be measured to include any space on the lot or within the building not used by the veterinary boarding hospital and any portion of a street or alley that separates the use from a lot within a Residence District. Shared facilities that are not under the sole control of the veterinary boarding hospital, such as hallways and trash rooms, shall not be considered as part of the veterinary boarding hospital;
- (e) External yards or other external facilities for the keeping of animals shall not be permitted;
- (f) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses; and
- (g) The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

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 4th 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. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

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

Mayor's Order 2014-337
December 22, 2014

SUBJECT: Registration of the Southwest Business Improvement District

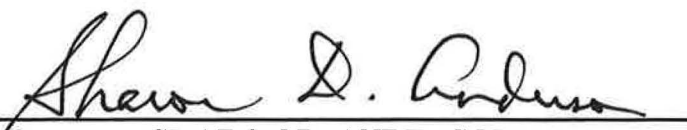
ORIGINATING AGENCY: Office of the Mayor

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

1. The Southwest Business Improvement District is hereby registered as a Business Improvement District consisting of the area described in its application filed with the Office of the Deputy Mayor for Planning and Economic Development on October 9, 2014, and the Southwest Business Improvement District is hereby registered as a BID corporation for that area.
2. The registration referred to in Paragraph 1 shall be for the period December 23, 2014 until the earliest to occur of September 30, 2019 or expiration of the Business Improvement Districts Act of 1996.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

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

Mayor's Order 2014-338
December 22, 2014

SUBJECT: Re-Designation of the Mayor's Youth Leadership Institute as the Marion Barry Youth Leadership Institute

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422, 422(2) and 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22, § 1-204.22(2) and 1-204.22(11) (2012 Repl.)), it is hereby **ORDERED** that:

I. PURPOSE:

The Mayor's Youth Leadership Institute was founded in 1979 by Mayor Marion S. Barry Jr. as a year-round program to train District of Columbia youth in the concepts of leadership and self-development. In 2005, in the Mayor's Youth Leadership Institute Act of 2005, effective October 20, 2005 (D.C. Law 16-32; D.C. Official Code § 2-1571 *et seq.* (2012 Repl.)), the Council codified the program and provided for its establishment by the Mayor as the Mayor's Youth Leadership Institute. The purpose of this Mayor's Order is to re-name the Institute to honor the memory of Mr. Barry and his contributions to the governance and progress of the District of Columbia and the welfare of its citizens, which contributions were particularly significant in the nurturing and development of its youth.


II. IMPLEMENTATION:

- a. The Mayor's Youth Leadership Institute is re-designated as the Marion Barry Youth Leadership Institute.
- b. All references in statutes, regulations, rules, and orders to the "Mayor's Youth Leadership Institute" shall henceforth refer to the "Marion Barry Youth Leadership Institute."

III. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-339
December 23, 2014

SUBJECT: Appointment – District of Columbia Workforce Investment Council

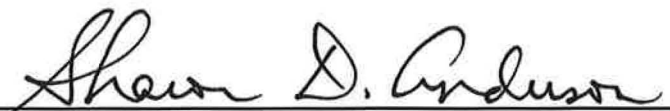
ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code §§ 1-204.22(2) (2012 Repl.), and in accordance with Mayor's Order 2011-114, dated July 1, 2011, it is hereby **ORDERED** that:

1. **RICHARD DAVIS** is appointed to the District of Columbia Workforce Investment Council, as a representative from the healthcare sector, for a term to end October 11, 2017.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-340
December 23, 2014

SUBJECT: Appointment – District of Columbia Commission for National and Community Service


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) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) and (11) (2012 Repl.), pursuant to Mayor's Order 2013-171, dated September 19, 2013, and in accordance with the provisions of the National and Community Service Trust Act of 1993, approved September 21, 1993, 107 Stat. 785, Pub. L. 103-82, it is hereby **ORDERED** that:

1. **CHRISTOPHER MURPHY** is appointed, as a voting member, and as an individual with expertise in the educational, training, and developmental needs of youth, particularly disadvantaged youth, of the District of Columbia Commission for National and Community Service, for a term to end July 31, 2017.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-341
December 23, 2014

SUBJECT: Reappointments and Appointment – Interagency Council on
Homelessness

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 4 of the Homeless Services Reform Act of 2005, effective October 22, 2005, D.C. Law 16-35, D.C. Official Code § 4-752.01 (2014 Supp.), it is hereby **ORDERED** that:


1. **CHERYL BARNES**, who was nominated by the Mayor on June 25, 2014 and was deemed approved on November 15, 2014 by the Council of the District of Columbia pursuant to Proposed Resolution 20-0910, is reappointed as a homeless or formerly homeless individual member of the Interagency Council on Homelessness (“**Council**”), for a term to end three years from the date of appointment.
2. **CHAPMAN TODD**, who was nominated by the Mayor on June 25, 2014 and was deemed approved on November 15, 2014 by the Council of the District of Columbia pursuant to Proposed Resolution 20-0911, is reappointed as an advocate for the District of Columbia’s homeless population member of the Council, for a term to end three years from the date of appointment.
3. **ROBERT SCOTT MCNEILLY**, who was nominated by the Mayor on June 25, 2014 and was deemed approved on November 15, 2014 by the Council of the District of Columbia pursuant to Proposed Resolution 20-0912, is reappointed as an advocate for the District of Columbia’s homeless population member of the Council, for a term to end three years from the date of appointment.

- 4. **MICHAEL COLEMAN**, who was nominated by the Mayor on June 25, 2014 and was deemed approved on November 15, 2014 by the Council of the District of Columbia pursuant to Proposed Resolution 20-0913, is appointed as a homeless or formerly homeless member of the Council, for a term to end three years from the date of appointment.

- 5. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-342
December 23, 2014

SUBJECT: Appointments – United Planning Organization Board of Directors


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) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) and (11) (2012 Repl.), and in accordance with the Economic Opportunity Act of 1964, approved August 20, 1964, Pub. L. 88-452, 78 Stat. 516, and the By-Laws of the United Planning Organization, as amended on July 17, 2014, it is hereby **ORDERED** that:

1. **BARBARA LANKSTER** is appointed, as a member of the United Planning Organization Board of Directors ("**Board**"), replacing Monique L. Poydras, for a term to end three years from the effective date of this order.
2. **JEFFREY RICHARDSON** is appointed, as a member of the Board, replacing John L. Oberdorfer, for a term to end three years from the effective date of this order.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

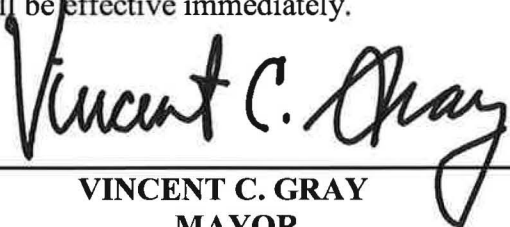
Mayor's Order 2014-343
December 24, 2014

SUBJECT: Delegation of Authority to the Director of the District Department of Transportation – Washington Metropolitan Area Transit Authority Safety Regulation Act of 1997 (Mass Transit—Rail Fixed Guideway System—Agreement with Virginia and Maryland)


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2012 Repl.), and section 3 of the Washington Metropolitan Area Transit Authority Safety Regulation Act of 1997, effective September 23, 1997, D.C. Law 12-20, D.C. Official Code § 9-1109.02 (2012 Repl.), it is hereby **ORDERED** that:

1. The authority vested in the Mayor by section 3 of the Washington Metropolitan Area Transit Authority Safety Regulation Act of 1997, effective September 23, 1997, D.C. Law 12-20, D.C. Official Code §§ 9-1109.02 (2012 Repl.) is delegated to the Director of the District Department of Transportation.
2. The Director may further delegate this authority to subordinates under his or her jurisdiction.
3. This Order shall supersede all previous Mayor's Orders to the extent of any inconsistency.
4. **EFFECTIVE DATE:** This Order shall be effective immediately.



 VINCENT C. GRAY
 MAYOR

ATTEST: 

 SHARON D. ANDERSON
 INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-344
December 24, 2014

SUBJECT: Delegation of Authority to the Deputy Mayor for Planning and Economic Development to Execute Certain Documents with Respect to District owned real property located at 125 O Street, S.E. and 1402 1st Street, S.E. and known for tax and assessment purposes as a portion of Lot 0805 in Square 744S and a portion of Lot 0801 in Square 744SS (collectively, the "Property")

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2012 Repl.); section 1 of An Act authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939, 53 Stat. 1211, D.C. Official Code §§ 10-801 *et seq.* (2012 Repl. and 2014 Supp.); section 1(c) of An Act to grant additional powers to the Commissioners of the District of Columbia and for other purposes, approved December 20, 1944, as amended, 58 Stat. 819, D.C. Official Code § 1-301.01(c) (2012 Repl. and 2014 Supp.); it is hereby **ORDERED** that:


1. The Deputy Mayor for Planning and Economic Development is delegated the authority to execute on behalf of the District of Columbia any and all documents related to the disposition, development or use of the Property and to take all actions necessary or useful for or incidental to the solicitation and disposition or lease of the Property, including, but not limited to, easements, license agreements, use agreements, lease agreements, easements, right of entry agreements, covenants, and/or other associated documents.
2. The authority delegated herein to the Deputy Mayor may be further delegated to subordinates under the jurisdiction of the Deputy Mayor.

3. This Order supersedes all previous Mayor's Orders to the extent of any inconsistency therein.

4. **EFFECTIVE DATE:** This Order shall be effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, JANUARY 7, 2015
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

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

Protest Hearing (Status)	9:30 AM
Case # 14-PRO-00082; S & A Deli, Inc., t/a Good Hope Deli & Market 1736 Good Hope Road SE, License #93974, Retailer B, ANC 8A Application to Renew the License	
	9:30 AM
Show Cause Hearing (Status)	
Case # 14-AUD-00048; Zodiac Restaurant Group, Inc., t/a Scion Restaurant 2100 P Street NW, License #82174, Retailer CR, ANC 2B Failed to File Quarterly Statements (4th Quarter 2013)	
	9:30 AM
Show Cause Hearing (Status)	
Case # 14-CMP-00460; A And A, LLC, t/a Georgia Line Convenience Store, 5125 Georgia Ave NW, License #91196, Retailer B, ANC 4D Operating After Hours, Violation of Settlement Agreement	
	9:30 AM
Show Cause Hearing (Status)	
Case # 14-AUD-00067; 600 F.D., Inc., t/a Fuel Pizza & Wings, 600 F Street NW, License #88727, Retailer CR, ANC 2C Failed to File Quarterly Statements (1nd Quarter 2014)	
	9:30 AM
Show Cause Hearing (Status)	
Case # 14-AUD-00103; 600 F.D., Inc., t/a Fuel Pizza & Wings, 600 F Street NW, License #88727, Retailer CR, ANC 2C Failed to File Quarterly Statements (2nd Quarter 2014)	
	9:30 AM
Show Cause Hearing (Status)	
Case # 14-AUD-00062; 1606 K, LLC, t/a Fuel Pizza & Wings, 1606 K Street NW, License #88452, Retailer CR, ANC 2B Failed to File Quarterly Statements (1st Quarter 2013) and (4th Quarter 2013)	

Board's Calendar

January 7, 2015

Show Cause Hearing (Status) 9:30 AM

Case # 14-AUD-00100; 1606 K, LLC, t/a Fuel Pizza & Wings; 1606 K Street NW, License #88452, Retailer CR, ANC 2B

Failed to File Quarterly Statements (2nd Quarter 2014)

Show Cause Hearing (Status) 9:30 AM

Case # 14-AUD-00043; Justin's Café, LLC, t/a Justin's Café, 1025 1st Street SE, License #83690, Retailer CR, ANC 6D

Failed to File Quarterly Statements (4th Quarter 2013)

Show Cause Hearing (Status) 9:30 AM

Case # 14-CMP-00429; Spo-dee-o-dee, LLC, t/a The Showtime, 113 Rhode Island Ave NW, License #89186, Retailer CT, ANC 5E

Operating After Hours

Show Cause Hearing (Status) 9:30 AM

Case # 14-CMP-00197; Gabriel, Inc., t/a Potomac Wines and Spirits, 3100 M Street NW, License #1926, Retailer A, ANC 2E

A Sealed Bottle of Alcohol Was Opened and Consumed at the Establishment, Operating After Hours, Interfered with an Investigation

Show Cause Hearing (Status) 9:30 AM

Case # 14-CC-00082; WA-ZO-BIA Entertainment, Inc., t/a WA-ZO-BIA, 618 T Street NW, License #79306, Retailer CR, ANC 6E

No ABC Manager on Duty

Show Cause Hearing (Status) 9:30 AM

Case # 13-CMP-00584; K Street Restaurant, LLC, t/a Brasserie Beck, 1101 K Street NW, License #76383, Retailer CR, ANC 2F

No ABC Manager on Duty

Fact Finding Hearing* 9:30 AM

AMR, LLC, t/a Stroga; 1808 Adams Mill Road NW, ANC 1C

Request for an expedited hearing related to Board Order No. 2014-77

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA

1:00 PM

Show Cause Hearing* 10:00 AM

Case # 14-CMP-00102; 6220 Georgia, LLC, t/a Victor Liquors, 6220 Georgia Ave NW, License #88173, Retailer A, ANC 4A

Sold Go-Cups

Board's Calendar

January 7, 2015

Show Cause Hearing*

11:00 AM

**Case # 14-AUD-00032; Taj Mahal Enterprises, Ltd., t/a Fiesta Restaurant and Lounge, 1327 Connecticut Ave NW, License #882, Retailer CR, ANC 2B
Failed to Allow an ABRA Investigator to Enter or Inspect Without Delay or Otherwise Interfered with an Investigation, Failed to Qualify as a Restaurant, Failed to Maintain Books and Records**

Fact Finding Hearing*

1:30 PM

**Case # 14-CMP-00601; Miles H. Gray, t/a H Street Main Street, 729 Tenth Street NE, License #96479, Retailer G, ANC 6A
Operating After Hours**

Fact Finding Hearing*

2:00 AM

Case # 14-CMP-00334; Jumbo Seafood Restaurant, Inc., t/a Tony Cheng's Seafood Restaurant, 619 H Street NW, License #11730, Retailer CR, ANC 2C

ABRA Investigative Report No. 14-CMP-00334 (a)

***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
INVESTIGATIVE AGENDA**

**WEDNESDAY, JANUARY 7, 2015
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On January 7, 2015 at 4:00 pm, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case#14-251-00308 Ibiza, 1222 1ST ST NE Retailer C Nightclub, License#: ABRA-074456

2. Case#14-251-00319 Pure Nightclub & Lounge, 1326 U ST NW Retailer C Nightclub, License#: ABRA-024613

3. Case#14-251-00296 Leopold's Kafe Konditorei/L2, 3315 Cady's Alley AL NW Retailer C Restaurant, License#: ABRA-025268

4. Case#14-CMP-00698 Fresh Fields Whole Foods Market, 2323 WISCONSIN AVE NW Retailer B Retail - Grocery, License#: ABRA-022045

5. Case#14-CMP-00736 Travel Traders #200, 400 NEW JERSEY B AVE NW Retailer B Retail - Class B, License#: ABRA-080595

6. Case#14-CC-00165 Ming's, 617 H ST NW Retailer C Restaurant, License#: ABRA-083415

7. Case#14-CMP-00697 Open Door Market, 2160 CALIFORNIA ST NW Retailer B Retail - Class B, License#: ABRA-086746

8. Case#14-251-00273 Howard Theatre, 620 T ST NW Retailer C Multipurpose, License#: ABRA-088646

9. Case#14-251-00295 Howard Theatre, 620 T ST NW Retailer C Multipurpose, License#: ABRA-088646

10. Case#14-CMP-00735 H & PIZZA, 1118 H ST NE Retailer C Restaurant, License#: ABRA-089158

11. Case#14-251-00266 Cedar Hill Bar & Grill / Uniontown Bar & Grill, 2200 MARTIN LUTHER KING JR AVE SE Retailer C Tavern, License#: ABRA-091887

12. Case#14-251-00293 NEW TOWN KITCHEN AND LOUNGE, 1336 U ST NW Retailer C Tavern, License#: ABRA-093095

13. Case#14-CMP-00723 Upshur Grocery, 233 UPSHUR ST NW Retailer B Retail - Grocery, License#: ABRA-095921

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LEGAL AGENDA

WEDNESDAY, JANUARY 7, 2015 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Landlord's Request for Denial of Applicant's Licensure, submitted by Richard Bianco, Esq. on behalf of Alemu Investments, LLC, dated December 9, 2014. *Signature Lounge*, 1920 9th Street, NW, Retailer C, License No.: 095535.

2. Review of Off-Site Storage Request, dated December 9, 2014. *Town Hall*, 2340-2346 Wisconsin Avenue, NW, Retailer CR, License No.: 087661.

3. Review of Off-Site Storage Request, dated December 5, 2014. *Room 11*, 3234 11th Street, NW, Retailer CT, License No.: 079568.

4. Review of Off-Site Storage Request, dated December 17, 2014. *Cordial Fine Wine and Beer*, 1309 5th Street, NE, Retailer A, License No.: 090800.

5. Review of Off-Site Storage Request, dated December 17, 2014. *Acadiana*, 901 New York Avenue, NW, Retailer CR, License No.: 072593.

6. Review of Off-Site Storage Request, dated December 17, 2014. *Penn Commons*, 700 6th Street, NW, Retailer CR, License No.: 095147.

7. Review of Letter of Concern, submitted by Keith Barrit, Esq. on behalf of MINIBAR, dated December 15, 2014. *MINIBAR*, 855 E Street, NW, Retailer CR, License No.: 089911.

8. Review of Protestant Group of Nineteen Residents Motion to Amend Order to Impose Additional Operating Restrictions on Dirty Martini, submitted by Sarah Peck, on behalf of Protestants, dated December 19, 2014. *Dirty Martini*, 1223 Connecticut Avenue, NW, Retailer CR, License No.: 083919.

9. Review of Request of Third Amendment to Settlement Agreement, submitted by Paul Pascal, Esq. on behalf of Harris Teeter, dated December 19, 2014. *Harris Teeter*, 1631 Kalorama Road, NW, Retailer B, License No.: 073993.
-

10. Review of Settlement Agreement between ANC 4C and Odalys, dated December 10, 2014. *Odalys*, 1200 Kennedy Street, NW, Retailer C, License No.: 097025.*
-

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, JANUARY 7, 2015 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Letter from Stephen J. O'Brien concerning eviction of Licensee. An Administrative Decision has been made to place this License in Safekeeping Status. ANC 3B. SMD 3B02. No outstanding fines/citations. No outstanding violations. A Protest was filed against the License Renewal and Substantial Change. Roll Call Hearing was held 9/9/2013. No Settlement Agreement. **JP's**, 2412 Wisconsin Avenue NW, Retailer CN, License No. 008511.
-

2. Review Application for Safekeeping of License – Original Request. ANC 5C. SMD 5C05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Zion Kitchen and Trading**, 1805 Montana Avenue NE, Retailer CR, License No. 096141.
-

3. Review Application for Safekeeping of License – Original Request. ANC 1B. SMD 1B02. No pending enforcement matters. Pending Fines/Citations: Case #14-CMP-00490, On-premise retailer's license, Citation #4863, \$250 fine to be paid before license is transferred out of Safekeeping. Case #14-251-00018, Simple Assault, Hours of Sale and Service for on-premises retail licensee and temporary licensee, Board ordered a \$2000 fine to be paid before license is transferred out of Safekeeping. Case #14-251-00055, After-hours, Board ordered a \$6000 fine to be paid before license is transferred out of Safekeeping. No Settlement Agreement. **Merkato Ethiopian Restaurant**, 1909 9th Street NW, Retailer CR, License No. 089019.
-

4. Review Application for Safekeeping of License – Original Request. ANC 6A. SMD 6A01. No outstanding fines/citations. Pending Enforcement Matters: Case #14-251-00233, Overservice, 8/1/2014; Case #14-251-00232, Overservice, 8/1/2014. No Settlement Agreement. **Family Liquors**, 710 H Street NE, Retailer A Liquor Store, License No. 021877.
-

5. Review Application for Safekeeping of License – Original Request. ANC 1C. SMD 1C07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **District**, 2473 18th Street NW, Retailer CR, License No. 092742.

-
6. Review Application for Safekeeping of License – Original Request. ANC 1B. SMD 1B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Duffy's Irish Pub**, 2106 Vermont Avenue NW, Retailer CR, License No. 072539.
-
7. Review Application for Safekeeping of License – Original Request. ANC 1C. SMD 1C03. Pending Enforcement Matters/Fines: Case #13-CMP-00319, Settlement Agreement Violation, Pub Crawl, 3-day suspension and \$5000 fine imposed on 7/30/2014, Licensee filed a Motion to Reconsider and the Hearing was schedule for 9/10/2014; Case #14-CC-00177, Sale to Minor, No ABC Manager on Duty, on 11/5/2014, Board issued a warning and requested a Show Cause Hearing. No conflict with Settlement Agreement. **Bistro 18**, 2420 18th Street NW, Retailer CR, License No. 086876.
-
8. Review Documents to determine if this is an Involuntary Transfer. ANC 1C. SMD 1C03. Pending Enforcement Matters/Fines: Case #13-CMP-00319, Settlement Agreement Violation, Pub Crawl, 3-day suspension and \$5000 fine imposed on 7/30/2014, Licensee filed a Motion to Reconsider and the Hearing was schedule for 9/10/2014; Case #14-CC-00177, Sale to Minor, No ABC Manager on Duty, on 11/5/2014, Board issued a warning and requested a Show Cause Hearing. No conflict with Settlement Agreement. **Bistro 18**, 2420 18th Street NW, Retailer CR, License No. 086876.
-
9. Review Application for Class Change from Class B to Class A. ANC 1B. SMD 1B12. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Best DC Supermarket**, 1507 U Street NW, Retailer B Grocery, License No. 075139.
-
10. Review Request for Change of Hours. **Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday 12pm to 10pm, Monday-Thursday 11:30am to 10pm, Friday-Saturday 11:30am to 11pm. **Approved Hours of Live Entertainment:** Sunday-Thursday 6pm to 10pm, Friday-Saturday 6pm to 11pm. **Proposed Hours of Operation:** Sunday-Thursday 10:30am to 2am, Friday-Saturday 10:30am to 3am. **Proposed Hours of Alcoholic Beverage Sales and Consumption:** Sunday-Thursday 11:30am to 2am, Friday-Saturday 11:30am to 2:45am. **Proposed Hours of Live Entertainment:** Sunday-Thursday 8pm to 2am, Friday-Saturday 8pm to 2:30am. ANC 2B. SMD 2B06. No outstanding fines/citations. No outstanding violations. No

pending enforcement matters. No Settlement Agreement. *Parlay*, 1827 M Street NW, Retailer CT, License No. 097074.

11. Review Request for Change of Hours. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption*: Monday-Saturday 10am to 9pm. *Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption*: Sunday-Saturday 9am to 11pm. ANC 8D. SMD 8D04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Ocean Front Liquors*, 4682 Martin Luther King Jr Avenue SW, Retailer A Liquor Store, License No. 096628.
-

12. Review Request for Change of Hours. *Approved Hours of Operation*: Sunday-Wednesday 11am to 1am, Thursday-Saturday 11am-2am. *Approved Hours of Alcoholic Beverage Sales and Consumption*: Sunday 12pm-1am, Monday-Wednesday 11am-1am, Thursday-Saturday 11am-2am. *Proposed Hours of Operation*: Sunday-Wednesday 11am to 1am, Thursday 11am to 2am, Friday-Saturday 11am-3am. *Proposed Hours of Alcoholic Beverage Sales and Consumption*: Sunday 12pm to 1am, Monday-Wednesday 11am to 1am, Thursday 11am to 2am, Friday-Saturday 11am-3am. ANC 2E. SMD 2E08. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Bulldog Tavern*, 3700 O Street NW, Retailer CR, License No. 096001.
-

13. Review Application for Manager's License. *Clifford H. Noell*-ABRA 096695.
-

14. Review Application for Manager's License. *Danielle E. Desnoyers*-ABRA 097377.
-

***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.**

**OFFICE OF THE CHIEF FINANCIAL OFFICER
Office of Revenue Analysis**

**NOTICE of INCREASES
in the 2015 STANDARD DEDUCTION,
PERSONAL EXEMPTION, HOMESTEAD DEDUCTION,
TRASH COLLECTION CREDIT and
SENIOR/DISABLED INCOME THRESHOLD**

I. The Standard Deduction Amounts

Per the D.C. Code § 47-1801, et seq., and effective January 1, 2015 the Standard Deduction amounts (pertaining to the Individual Income Tax) will be the following:

- for single individual and married filing separately filers **\$5,200.00**
- for head of household filers **\$6,500.00**
- for married joint filers **\$8,350.00**

II. The Personal Exemption Amount

Per the D.C. Code § 47-1806, et seq., the annual Personal Exemption amount (pertaining to the Individual Income Tax) for calendar year 2015 is adjusted in the following manner

The Washington Area Average CPI value for Calendar Year 2011:	145.22
The Washington Area Average CPI value for Calendar Year 2014:	154.24
The percent change in the index during the above time period:	6.21%

Therefore, effective January 1, 2015:

- the Personal Exemption amount will be¹ **\$1,775.00**

III. The Homestead Deduction Amount

Per the D.C. Code § 47-850, et seq., the annual Homestead Deduction amount (pertaining to the Real Property Tax) for tax year 2015 is adjusted in the following manner

The Washington Area Average CPI value for Tax Year 2011:	146.04
The Washington Area Average CPI value for Tax Year 2014:	154.57
The percent change in the index during the above time period:	5.84%

Therefore, effective Tax Year 2015 (beginning October 1, 2014):

- the Homestead Deduction amount will be¹ **\$71,400.00**

¹ Annual dollar amount changes are rounded down to the nearest \$50.00 increment.

IV. The Condominium and Cooperative Trash Collection Credit Amount

Per the D.C. Code § 47-872, et seq., the annual Trash Collection Credit amount (pertaining to the Real Property Tax) for tax year 2015 is adjusted in the following manner

The Washington Area Average CPI value for Calendar Year 2013:	152.38
The Washington Area Average CPI value for Calendar Year 2014:	154.86
The percent change in the index during the above time period:	1.63%

Therefore, effective Tax Year 2015 (beginning October 1, 2014):

- **the Trash Collection Trash Credit amount will be² \$107.00**

V. The Senior Citizen or Disabled Real Property Tax Relief Income Threshold

Per the D.C. Code § 47-863, the maximum household annual gross income for the real property tax senior citizen or disabled tax relief (pertaining to the Real Property Tax) for tax year 2015 is adjusted in the following manner

The Washington Area Average CPI value for Calendar Year 2013:	151.96
The Washington Area Average CPI value for Calendar Year 2014:	154.57
The percent change in the index during the above time period:	1.71%

Therefore, effective Tax Year 2015 (beginning October 1, 2014):

- **the senior/disabled maximum income threshold shall be¹ \$127,100.00**

A Summary of Deduction, Exemption, Credit and Income Threshold Amounts for 2015			
	Base Amounts	CPI Adjustment Factor*	2015Amounts
Standard Deduction for single individuals and married filing separately filers	NA	NA	\$5,200.00
Standard Deduction for head of household filers	NA	NA	\$6,500.00
Standard Deduction for married joint filers	NA	NA	\$8,350.00
Personal Exemption	\$1,675.00	1.0621	\$1,775.00
Homestead Deduction	\$67,500.00	1.0584	\$71,400.00
Trash Collection Credit	\$105.00	1.0163	\$107.00
Senior Citizen Maximum Income Threshold	\$125,000.00	1.0171	\$127,100.00

* Source: U.S. Bureau of Labor Statistics, data accessed December 17, 2014

² Annual dollar amount changes are rounded to the nearest whole dollar.

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
EDUCATION LICENSURE COMMISSION**

NOTICE OF MEETING SCHEDULE

Pursuant to the Education Licensure Commission Act of 1976, effective April 6, 1977 (D.C. Law 1-104; 23 D.C. Reg. 8734; D.C. Official Code § 38-1301 *et seq.*), and the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1203; D.C. Official Code § 2-501 *et seq.*), the Education Licensure Commission (“Commission”) hereby gives notice of the annual schedule of meetings for the 2015 Calendar Year.

The Commission holds regular bi-monthly public meetings, which are open to the public. Prior to the public sessions, an executive session is typically held that is closed to the public. During months when the Commission is not holding a public meeting, the Commission holds bi-monthly work meetings that are closed to the public.

The dates, locations, and times for 2015 Commission meetings shall be as set forth below:

DATE	START TIME	END TIME	LOCATION	MEETING TYPE	REASON FOR CLOSURE (if applicable)
January 8, 2015	9:30 AM	10:30 AM	810 First Street, NE 3rd Fl., Grand Hall B	Executive (closed)	D.C. Official Code §§2-575(b)(1), (4); 5 DCMR §A8204.1(b)
January 8, 2015	10:30 AM	1:00 PM	810 First Street, NE 3rd Fl., Grand Hall B	Public (open)	N/A
February 5, 2015	9:30 AM	1:00 PM	810 First Street, NE 3rd Fl., Grand Hall B	Work (closed)	D.C. Official Code §§2-575(b)(1), (4), (12); 5 DCMR §A8204.1(c)
March 5, 2015	9:30 AM	10:30 AM	810 First Street, NE 3rd Fl., Grand Hall B	Executive (closed)	D.C. Official Code §§2-575(b)(1), (4); 5 DCMR §A8204.1(b)
March 5, 2015	10:30 AM	1:00 PM	810 First Street, NE 3rd Fl., Grand Hall B	Public	N/A
April 2, 2015	9:30 AM	1:00 PM	810 First Street, NE 3rd Fl., Grand Hall B	Work (closed)	D.C. Official Code §§2-575(b)(1), (4), (12); 5 DCMR §A8204.1(c)
May 7, 2015	9:30 AM	10:30 AM	810 First Street, NE 3rd Fl., Grand Hall B	Executive (closed)	D.C. Official Code §§2-575(b)(1), (4); 5 DCMR §A8204.1(b)
May 7, 2015	10:30 AM	1:00 PM	810 First Street, NE 3rd Fl., Grand Hall B	Public	N/A
June 4, 2015	9:30 AM	1:00 PM	810 First Street, NE 3rd Fl., Grand Hall B	Work (closed)	D.C. Official Code §§2-575(b)(1), (4),

					(12); 5 DCMR §A8204.1(c)
July 2, 2015	9:30 AM	10:30 AM	810 First Street, NE 3rd Fl., Grand Hall B	Executive (closed)	D.C. Official Code §§2-575(b)(1), (4); 5 DCMR §A8204.1(b)
July 2, 2015	10:30 AM	1:00 PM	810 First Street, NE 3rd Fl., Grand Hall B	Public	N/A
AUGUST 2015 RECESS—NO MEETING					
September 3, 2015	9:30 AM	10:30 AM	810 First Street, NE 3rd Fl., Grand Hall B	Executive (closed)	D.C. Official Code §§2-575(b)(1), (4); 5 DCMR §A8204.1(b)
September 3, 2015	10:30 AM	1:00 PM	810 First Street, NE 3rd Fl., Grand Hall B	Public	N/A
October 1, 2015	9:30 AM	1:00 PM	810 First Street, NE 3rd Fl., Grand Hall B	Work (closed)	D.C. Official Code §§2-575(b)(1), (4), (12); 5 DCMR §A8204.1(c)
November 5, 2015	9:30 AM	10:30 AM	810 First Street, NE 3rd Fl., Grand Hall B	Executive (closed)	D.C. Official Code §§2-575(b)(1), (4); 5 DCMR §A8204.1(b)
November 5, 2015	10:30 AM	1:00 PM	810 First Street, NE 3rd Fl., Grand Hall B	Public	N/A
December 3, 2015	9:30 AM	1:00 PM	810 First Street, NE 3rd Fl., Grand Hall B	Work (closed)	D.C. Official Code §§2-575(b)(1), (4), (12); 5 DCMR §A8204.1(c)

In addition to the public, executive, and work meetings, the Commission holds monthly New Applicant Workshops for representatives of institutions seeking new licensure. The following dates, locations, and times shall supersede all prior published schedules as set forth below:

DATE	START TIME	END TIME	LOCATION
January 15, 2015	10:00 AM	12:00 PM	810 First Street, NE, 9 th Floor, Conf. Room 9014
February 19, 2015	10:00 AM	12:00 PM	810 First Street, NE, 9 th Floor, Conf. Room 9014
March 19, 2015	10:00 AM	12:00 PM	810 First Street, NE, 9 th Floor, Conf. Room 9014
April 23, 2015	10:00 AM	12:00 PM	810 First Street, NE, 9 th Floor, Conf. Room 9014
May 21, 2015	10:00 AM	12:00 PM	810 First Street, NE, 9 th Floor, Conf. Room 9014
June 18, 2015	10:00 AM	12:00 PM	810 First Street, NE, 9 th Floor, Conf. Room 9014
July 16, 2015	10:00 AM	12:00 PM	810 First Street, NE, 9 th Floor, Conf. Room 9014
August 20, 2015	10:00 AM	12:00 PM	810 First Street, NE, 9 th Floor, Conf. Room 9014
September 17, 2015	10:00 AM	12:00 PM	810 First Street, NE, 9 th Floor, Conf. Room 9014
October 22, 2015	10:00 AM	12:00 PM	810 First Street, NE, 9 th Floor, Conf. Room 9014
November 19, 2015	10:00 AM	12:00 PM	810 First Street, NE, 9 th Floor, Conf. Room 9014
December 17, 2015	10:00 AM	12:00 PM	810 First Street, NE, 9 th Floor, Conf. Room 9014

If you have questions regarding this schedule of Commission meetings and/or New Applicant Workshops, please contact the Executive Director of the Education Licensure Commission, Angela Lee at (202) 724-2095 or at Angela.Lee@dc.gov.

**DISTRICT DEPARTMENT OF THE ENVIRONMENT
NOTICE OF FUNDING AVAILABILITY**

**GRANTS FOR THE
Lead Poisoning Prevention Outreach Coordination Project**

The District Department of the Environment (“DDOE”) is seeking eligible entities, as defined below, to increase the number of children screened for lead in FY 15 who are at high risk of lead exposure.

Beginning 1/2/2015, the full text of the Request for Applications (“RFA”) will be available online at DDOE’s website. It will also be available for pickup. A person may obtain a copy of this RFA by any of the following means:

Download from DDOE’s website, www.ddoe.dc.gov. Select “Resources” tab. Cursor over the pull-down list; select “Grants and Funding;” then, on the new page, cursor down to the announcement for this RFA. Click on “Read More,” then download any related information from the “attachments” section.

Email a request to 2015LeadOutreachRFA.grants@dc.gov with “Request copy of RFA 2015-1505-LHHD” in the subject line;

Pick up a copy in person from the DDOE reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002 (call Harrison Newton at (202) 535-2624 to make an appointment and mention this RFA by name); or

Write DDOE at 1200 First Street NE, 5th Floor, Washington, DC 20002, “Attn: Harrison Newton RE:2015-1505-LHHD” on the outside of the letter.

The deadline for application submissions is 2/1/2015 at 4:30 p.m. Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to 2015LeadOutreachRFA.grants@dc.gov.

Eligibility: All the checked institutions below may apply for these grants:

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
- Faith-based organizations;
- Government agencies; and
- Universities/educational institutions.

Period of Awards: The end date for the work of this grant program will be September 30, 2015.

Available Funding: The total amount available for this RFA is approximately \$35,800.00. The amount is subject to continuing availability of funding and approval by the appropriate agencies.

For additional information regarding this RFA, please contact DDOE as instructed in the RFA document, at 2015LeadOutreachRFA.grants@dc.gov.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #6170-R2 to Cellco Partnership (DBA Verizon Wireless) to operate a 60 kW emergency generator set with 100 HP natural gas fired engine at 1673 Park Road NW, Washington, DC. The contact person for the facility is Bryan Scallon, Director of Operations, at 800-488-7900.

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after February 2, 2015 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #6173-R2 to Cellco Partnership (DBA Verizon Wireless) to operate a 60 kW emergency generator set with an 88 HP natural gas fired engine at 4850 Connecticut Avenue NW, Washington, DC. The contact person for the facility is Bryan Scallon, Director of Operations, at 800-488-7900.

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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District Department of the Environment
1200 First Street NE, 5th Floor
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DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #6186-R2 to Cellco Partnership (DBA Verizon Wireless) to operate a 60 kW emergency generator set with 96 HP diesel fired engine at 650 Massachusetts Avenue NW, Washington, DC. The contact person for the facility is Bryan Scallon, Director of Operations, at 800-488-7900.

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after February 2, 2015 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #6461-R1 to Cellco Partnership (DBA Verizon Wireless) to operate a 50 kW emergency generator set with an 80 HP diesel fired engine at 2501 25th Street SE, Washington DC. The contact person for the facility is Bryan Scallon, Director of Operations, at 800-488-7900.

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after February 2, 2015 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #6958 to Cellco Partnership (DBA Verizon Wireless) to construct and operate a 30 kW emergency generator set with a 66.5 bhp natural gas fired engine at 2407 15th Street NW, Washington DC. The contact person for the facility is Bryan Scallon, Director of Operations, at 800-488-7900.

The proposed emission limits are as follows:

- a. Emissions from each 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 60.4233(d), and 40 CFR 60 Subpart JJJJ, Table 1]:

Pollutant Emission Limits (g/HP-hr)	
NO _x + HC	CO
10	387

- b. Visible emissions shall not be emitted into the outdoor atmosphere from the 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. 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 maximum emissions from the emergency generator set are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.60
Oxides of Nitrogen (NO _x) plus Total Hydrocarbons (THC)	0.19
Total Particulate Matter (PM Total)	<0.01
Sulfur Dioxide (SO _x)	<0.01

The application to construct and operate the emergency generator 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, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after February 2, 2015 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DEPARTMENT OF HEALTH**PUBLIC NOTICE**

The District of Columbia Board of Social Work (“Board”) hereby gives notice of a cancellation 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 holiday schedule, the Board’s regular meeting scheduled for Monday, December 22, 2014, will be cancelled. The Board’s next regular meeting will be held at its usual fourth Monday of the month, on Monday, January 26, 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 to view the agenda.

DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Long Term Care Administration (“Board”) hereby gives notice of its regular meetings for the calendar year 2015, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2012 Repl.) (“Act”).

The Board, formerly the Board of Nursing Home Administration, will hold its regular meeting on the second Wednesday of each quarter beginning in January 2015. The first meeting of the calendar year, however, will be held on Wednesday, January 21, 2015. The meeting will be held from 10:00 am to 12:00 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 closed to public attendance in accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, D.C. Official Code § 2-574(b).

Subsequent meetings of the calendar year will be held as follows:

Wednesday, April 8, 2015

Wednesday, July 8, 2015

Wednesday, October 7, 2015

The meetings 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 to view the agenda.

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT

NOTICE - 006

REQUESTS FOR WAIVER OF SUBCONTRACTING REQUIREMENT

In accordance with *The Small and Certified Business Enterprise Development and Assistance Amendment Act of 2014, L20-0108, D.C. Code 2-218.01 et. Seq* (“the Act”), Notice is hereby given that the following agencies have requested waivers from the 35% subcontracting requirement of the Act for the below identified solicitations/contracts with values estimated over \$250,000:

Agency Acronym	Solicitation/ Contract	Description	Contracting Officer/Spec	DSLBD Contact
OCFO	CFOPD-15-C-015	Aspect Call Center (Telephony) Upgrade	dorothy.whisler@dc.gov	vonetta.martin@dc.gov
FEMS	CW29341	Refurbishment of Ambulances	gena.johnson@dc.gov	dian.herrman@dc.gov
DOES	DOC178986	Employer Self-Service Portal (ESSP) Support	jerome.johnson@dc.gov	audrey.buchanan2@dc.gov
CFSA	DCRL-2012-R-0058	Psychiatric Residential Treatment Facility	tara.sigamoni@dc.gov	monica.matey@dc.gov
DMV	DOC146960	Knowledge Testing System	tyrone.sweatt@dc.gov	dian.herrman@dc.gov

As outlined in D.C. Code §2-218.51, as amended, draft approvals are to be posted for public comment on DSLBD’s website: www.dslbd.dc.gov for five (5) days in order to facilitate feedback and input from the business community. The five day period begins the day after DSLBD posts its draft letter to its website. The five days includes week day and the weekend. Following the five (5) day posting period, DSLBD will consider any feedback received prior to issuing a final determination on whether to grant the waiver request.

Pursuant to D.C. Code 2-218.51, the subcontracting requirements of D.C. Code 2-218.46, may only be waived if there is insufficient market capacity for the goods or services that comprise the project and such lack of capacity leaves the contractor commercially incapable of achieving the subcontracting requirements at a project level.

More information and links to the above waiver requests can be found on DSLBDs website: www.dslbd.dc.gov.

TWO RIVERS PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Low Voltage Cabling Services**

Two Rivers Public Charter School invites all interested parties to submit proposals to provide low voltage cabling services for the renovation of the Young school facility. The delivery date of the project is July 2015. The complete RFP can be obtained by contacting Ryan Gever at rgever@programmanagers.com or 202-289-4455. All responses will be due by 12:00 noon on Friday, January 16, 2015.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Audit Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Audit Committee will be holding a meeting on Thursday, January 22, 2015 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or لمانley@dcwater.com.

DRAFT AGENDA

- | | | |
|----|---|------------------|
| 1. | Call to Order | Chairman |
| 2. | Summary of Internal Audit Activity -
Internal Audit Status | Internal Auditor |
| 3. | Executive Session | Chairman |
| 4. | Adjournment | Chairman |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting on Thursday, January 8, 2015 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dcwater.com.

DRAFT AGENDA

- | | |
|--|-----------------------|
| 1. Call to Order | Board Chairman |
| 2. Roll Call | Board Secretary |
| 3. Approval of December 4, 2014 Meeting Minutes | Board Chairman |
| 4. Committee Reports | Committee Chairperson |
| 5. General Manager's Report | General Manager |
| 6. Action Items
Joint-Use
Non Joint-Use | Board Chairman |
| 7. Other Business | Board Chairman |
| 8. Adjournment | Board Chairman |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Environmental Quality and Sewerage Services Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Sewerage Services Committee will be holding a meeting on Thursday, January 15, 2015 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dcwater.com.

DRAFT AGENDA

- | | | |
|----|--|--|
| 1. | Call to Order | Committee Chairperson |
| 2. | AWTP Status Updates
1. BPAWTP Performance | Assistant General Manager,
Plant Operations |
| 3. | Status Updates | Chief Engineer |
| 4. | Project Status Updates | Director, Engineering &
Technical Services |
| 5. | Action Items
- Joint Use
- Non-Joint Use | Chief Engineer |
| 6. | Emerging Items/Other Business | |
| 7. | Executive Session | |
| 8. | Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Finance and Budget Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on Thursday, January 22, 2015 at 11:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dcwater.com.

For additional information please contact: Linda R. Manley, Board Secretary at (202) 787-2332 or lmanley@dcwater.com.

DRAFT AGENDA

- | | | |
|----|-----------------------------------|------------------------------|
| 1. | Call to Order | Chairman |
| 2. | December 2014 Financial Report | Director of Finance & Budget |
| 3. | Agenda for July Committee Meeting | Chairman |
| 4. | Adjournment | Chairman |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Governance Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Governance Committee will be holding a meeting on Wednesday, January 14, 2015 at 9:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

- | | |
|--|---------------------------------|
| 1. Call to Order | Chairperson |
| 2. Government Affairs: Update | Government Relations
Manager |
| 3. Update on the Compliance Monitoring Program | TBD |
| 4. Update on the Workforce Development Program | Contract Compliance Officer |
| 5. Emerging Issues | Chairperson |
| 6. Agenda for Upcoming Committee Meeting (TBD) | Chairperson |
| 7. Executive Session | |
| 8. Adjournment | Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Human Resources and Labor Relations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Human Resources and Labor Relations Committee will be holding a meeting on Wednesday, January 14, 2015 at 11:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or لمانley@dcwater.com.

DRAFT AGENDA

- 1. Call to Order Committee Chairperson
- 2. Union Presidents
- 3. Other Business
- 4. Executive Session Committee Chairperson
- 5. Adjournment Committee Chairperson

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Retail Water and Sewer Rates Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Retail Water and Sewer Rates Committee will be holding a meeting on Tuesday, January 27, 2015 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to the DC Water's website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or lmanley@dcwater.com.

DRAFT AGENDA

- | | | |
|----|---|-------------------------|
| 1. | Call to Order | Committee Chairman |
| 2. | Public Hearing on Proposed FY 2016 Retail Rates | Chief Financial Officer |
| 3. | FY 2016 Management Recommendation on Retail Rates | Chief Financial Officer |
| 4. | Action Items | Chief Financial Officer |
| 5. | Retail Rates Committee Workplan | Chief Financial Officer |
| 6. | Other Business | Chief Financial Officer |
| 7. | Executive Session | |
| 8. | Agenda for February 24, 2015 Committee Meeting | Committee Chairman |
| 9. | Adjournment | Committee Chairman |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Water Quality and Water Services Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Water Quality and Water Services Committee will be holding a meeting on Thursday, January 15, 2015 at 11:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

- 1. Call to Order Committee Chairperson
- 2. Water Quality Monitoring Assistant General Manager, Consumer Ser.
- 3. Action Items Assistant General Manager, Consumer Ser.
- 4. Emerging Issues/Other Business Assistant General Manager, Consumer Ser
- 5. Executive Session
- 6. Adjournment Committee Chairperson

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18879 of Farhad and Shahrzad Jalinous, as amended,¹ pursuant to 11 DCMR § 3104.1, for a special exception under § 223, to allow additions to an existing one-family dwelling to widen an existing garage which is part of the principal structure and to allow the existing one-story building connection between the one-family dwelling and the existing garage, not meeting the rear yard (§ 404), side yard (§ 405), and nonconforming structure (§ 2001.3) requirements, in the R-1-B District at premises 2804 34th Place, N.W. (Square 1941, Lot 46).

HEARING DATE: December 16, 2014

DECISION DATE: December 16, 2014

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board of Zoning Adjustment ("Board" or "BZA") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 3C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3C, which is automatically a party to this application. The ANC submitted a resolution of support for the application. In its letter the ANC indicated that at a regularly scheduled, duly noticed public meeting on November 17, 2014, with a quorum present, the ANC voted unanimously to support the application. (Exhibits 29 and 30.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application (Exhibit 31) and testified in support of the application at the hearing. The District Department of Transportation ("DDOT") submitted a timely report of no objection to the application. (Exhibit 33.)

Letters of support were filed by neighbors. (Exhibits 25-28.)

The Board closed the record at the end of the hearing. As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception under § 223, to allow additions to an existing one-family dwelling to widen an existing garage which is part of the principal structure and to allow the existing one-story building connection between

¹ The Applicant amended the application to add special exception relief under §§ 405 and 2001.3 and to request that the application include the existing one-story building connection as well as the request to widen the existing garage. (Exhibit 32.) The caption has been altered accordingly.

BZA APPLICATION NO. 18879**PAGE NO. 2**

the one-family dwelling and the existing garage, not meeting the rear yard (§ 404), side yard (§ 405), and nonconforming structure (§ 2001.3) requirements, in the R-1-B District. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1, 223, 404, 405, and 2001.3, and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED THAT THIS APPLICATION IS HEREBY GRANTED SUBJECT TO THE APPROVED PLANS IN THE RECORD AT EXHIBITS 9-11 AND 32².**

VOTE: **5-0-0** (Lloyd J. Jordan, Marnique Y. Heath, S. Kathryn Allen, Jeffrey L. Hinkle, and Robert E. Miller to APPROVE.)

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: December 19, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

² The plans at Exhibits 9-11 were revised to show the location of the required side yard relief. (Exhibit 32.)

BZA APPLICATION NO. 18879**PAGE NO. 3**

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18882 of Dana and Walt Lukken, pursuant to 11 DCMR § 3104.1, for a special exception under § 223, to allow a rear addition to an existing one-family row dwelling not meeting the lot occupancy (§ 403) and court (§ 406) requirements in the R-4 District at premises 650 Massachusetts Avenue, N.E. (Square 865, Lot 90).

HEARING DATE: December 16, 2014

DECISION DATE: December 16, 2014

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

This application was accompanied by a memorandum, dated September 9, 2014, from the Zoning Administrator certifying the required relief. (Exhibit 8.)

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”) 6C, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on November 12, 2014, at which a quorum was in attendance, ANC 6C voted 6-0-0 to support the application. (Exhibit 24.) The Office of Planning (“OP”) submitted a timely report and testified at the hearing in support of the application. (Exhibit 26.) The ANC and OP indicated in their reports that there were letters of support from the Applicant’s immediate neighbors; however, the letters were not filed into the record. The District Department of Transportation (“DDOT”) filed a report expressing no objection to the application. (Exhibit 27.) Gary M. Peterson, Chair of the Zoning Committee of the Capitol Hill Restoration Society, submitted a letter in support of the application. (Exhibit 28.)

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under §§ 223, 403 and 406. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof,

BZA APPLICATION NO. 18882**PAGE NO. 2**

pursuant to 11 DCMR §§ 3104.1, 223, 403, and 406, 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 the accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 6.**

VOTE: **5-0-0** (Lloyd J. Jordan, S. Kathryn Allen, Marnique Y. Heath, Jeffrey L. Hinkle, and Robert E. Miller to APPROVE).

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: December 18, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO §3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE

BZA APPLICATION NO. 18882**PAGE NO. 3**

AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18883 of Gaudi Development Corporation, as amended,¹ pursuant to 11 DCMR § 3103.2 for a variance from the off-street parking requirements under § 2101.1, to permit the construction of a new flat at premises 1251 F Street, N.E. (Square 1007, Lot 825).

HEARING DATE: December 16, 2014
DECISION DATE: December 16, 2014

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board of Zoning Adjustment (“Board”) 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”) 6A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6A, which is automatically a party to this application. ANC 6A submitted a report in support of the application indicating that at a properly noticed meeting on December 11, 2014, at which a quorum of Commissioners were present, the ANC voted 6-0-0 in support of the application. (Exhibit 28.) The Office of Planning (“OP”) also submitted a report in support of the application. (Exhibit 25.) The Department of Transportation filed a report expressing no objection to the application. (Exhibit 24.) One letter was filed in support of the application from the Capitol Hill Restoration Society Zoning Committee. (Exhibit 27.)

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case, pursuant to § 3103.2, for a variance from § 2101.1. 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 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

¹ The Applicant amended the application to eliminate the request for variance relief from the open court minimum width requirements under § 406.1. (Exhibit 23.) This amendment is reflected in the caption.

BZA APPLICATION NO. 18883
PAGE NO. 2

granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 7.**

VOTE: **5-0-0** (Lloyd J. Jordan, Jeffrey L. Hinkle, S. Kathryn Allen, Marnique Y. Heath, and Robert E. Miller to Approve.)

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: December 18, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

BZA APPLICATION NO. 18883

PAGE NO. 3

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 10-12B**

Z.C. Case No. 10-12B

Tiber Creek Associates, LLC

**(Time Extension – Capitol Gateway Overlay Review and Special Exception Approval)
November 24, 2014**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on November 24, 2014. At that meeting, the Commission approved the request of Tiber Creek Associates, LLC (“Applicant”) for a two-year time extension in which to file a building permit application for the construction of the C Hostel & Hotel approved by Z.C. Order Nos. 10-12 and 10-12A. The property (Lot 55 in Square 601) that is the subject of this application is located at 129 Q Street, S.W. (“Property”). The time extension request was made pursuant to Chapters 1 and 31 of the District of Columbia Zoning Regulations. The Commission determined that these requests were properly before it under the provisions of §§ 1600 and 3130.6 Title 11 of the District of Columbia Zoning Regulations (Zoning).

FINDINGS OF FACT

1. Z.C. Commission Case No. 10-12, which became final and effective on November 12, 2010, approved the construction of a hostel and hotel concept (“C Hostel & Hotel”) that will be the first of its kind in the District. The C Hostel & Hotel concept is intended to sell beds rather than rooms. The hotel component of the project will be comprised of rooms with single and double beds and in-room bathrooms. The hostel component of the project will include dormitory-styled rooms and shared female and male showers on each floor. The approved project will consist of approximately 109 rooms and approximately 489 beds.
2. In Z.C. Case No. 10-12, the Commission granted special exception review and design approval pursuant to the Capitol Gateway Overlay District requirements enumerated in § 1610 of the Zoning Regulations. The Commission also granted special exception relief related to the roof structures and the number of parking spaces proposed in the project. There was no opposition to this case and the only Party was Advisory Neighborhood Commission (“ANC”) 6D, which supported the application in writing and presented testimony at the public hearing in support of the application. The Office of Planning (“OP”) noted its support for the roof structure and parking relief and testified that the design of the project generally meets the intent of the Capitol Gateway Overlay and that the removal of the proposed single curb cut associated with the project could more completely meet the intent of the Capitol Gateway Overlay District.
3. On October 12, 2012, the Applicant filed a time extension application requesting relief from § 3130.1 of the Board of Zoning Adjustment’s Rules of Practice and Procedure, which required that an application for a building permit for the construction of the approved project must be filed within two years after of the effective date of Z.C. Order No. 10-12, November 12, 2012. OP and ANC 6D supported the time extension request. Pursuant to Z.C. Order No. 10-12A, the Commission approved the two-year time

Z.C. ORDER NO. 10-12B
Z.C. CASE NO. 10-12B
PAGE 2

- extension request, and required that the Applicant file a building permit application to construct the approved project by November 12, 2014. (Exhibit [“Ex.”] 1.)
4. On October 16, 2014, the Applicant filed a second time extension request (Z.C. Case No. 10-12B). The Applicant provided evidence that a taxi cab service and repair garage operated on the Property. In preparation for the development of the C Hostel & Hotel the Applicant sought to remove the operator of the taxi cab service and repair garage from the Property, in accordance with the terms of the lease between the parties, and to raze the existing structures on the Property. The operator of the taxi cab service and repair garage stopped paying rent in May of 2013 and refused to vacate the Property. The Applicant was required to commence eviction proceedings against the tenant in DC Superior Court. The Applicant expended approximately nine months of effort and \$25,692 in legal fees evicting the tenant. (Ex. 1.)
 5. In addition, the District of Columbia Department of Consumer and Regulatory Affairs issued a violation notice on September 4, 2014, and a Special Assessments Bill to Tiber Creek in the amount of \$2,856.84 to account for the excessive trash and debris which were left on the Property by the former tenant. Tiber Creek paid the Special Assessments Bill on September 26, 2014. The Applicant noted that it filed a raze permit to remove the existing structures on the Property. (Ex. 1.)
 6. The Applicant provided a written statement that noted while the taxi cab service and repair use was operating on the Property, it was difficult for the Applicant to undertake necessary due diligence issues which were needed to prepare the Property for development of the C Hostel & Hotel. In addition, the Applicant noted that the neighborhood including and surrounding the Property remains an area that is still in transition from a semi-industrial and under-developed past, to a future that is ripe for significant new development. The Applicant also made the Commission aware that the proposed location of the new DC United Soccer Stadium is approximately one-two blocks to the south of the Property. The creation of a 20,000–25,000 seat soccer stadium will certainly add to the vitality and livelihood of the immediate area and will likely make the financing of the C Hostel & Hotel project easier to achieve. (Ex. 1.)
 7. In its November 14, 2014 report to the Commission, OP recommended approval of the time extension request. OP concluded that the Applicant satisfied the relevant standards of § 3130.6. (Ex. 5.)

CONCLUSIONS OF LAW

The Commission reviewed this application pursuant to its authority established in §§ 1600 and 1610 (Capitol Gateway Overlay District) of the Zoning Regulations. In Z.C. Order No. 10-12A, the Commission noted that it considered the time extension request in accordance with the standards enumerated in § 3130.6. In doing so, the Commission took no position whether an order granting a Capitol Gateway review expires if the order does not grant special exception or

Z.C. ORDER NO. 10-12B
Z.C. CASE NO. 10-12B
PAGE 3

variance relief. The Commission continues to take that same position for this second time extension application.

Subsection 3130.6(a) requires that the Applicant serve the extension request on all parties and that all parties are allowed 30 days to respond. The Applicant served the only party to the application, ANC 6D, when it filed the time extension application on October 16, 2014. ANC 6D did not participate in this application.

Subsection 3130.6(b) requires that there is no substantial change in any of the material facts upon which the Board (Commission in this case) based its original approval of the application that would undermine the Board's (Commission in this case) justification for approving the original application. OP noted that the Comprehensive Plan and the Zoning Regulations that govern the site and the approved project are unchanged. OP concluded that there have been no substantial changes to the neighborhood immediately surrounding the proposed project, and therefore, there have been no substantial changes to the facts upon which the Commission based its original decision. The Commission agrees with OP and concludes that extending the time period of approval for the application is appropriate, as there are no substantial changes in the material facts that the Commission relied on in approving the original application.

Subsection 3130.6(c) requires that the applicant demonstrate with substantial evidence that there is a good cause for the proposed extension with substantial evidence of one of more of the following criteria:

- (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control;
- (2) An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or
- (3) The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control.

The Commission finds that there is good cause shown to extend the period of time in which the Applicant is required to file a building permit application for the C Hostel & Hotel. The Commission finds that the litigation necessary to remove the former tenant on the Property was a factor beyond the Applicant's reasonable control that prohibited the Applicant from undertaking necessary due diligence matters to prepare the building permit application. The Commission finds that the Applicant has diligently engaged in actions to move forward with the development of the C Hostel & Hotel project and that granting the requested time extension is appropriate. For these reasons, the Commission finds that the Applicant has satisfied the requirements of 11 DCMR § 3130.6.

Z.C. ORDER NO. 10-12B
Z.C. CASE NO. 10-12B
PAGE 4

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. As noted above, ANC 6D did not participate in this application.

The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (DC Law 8-163, D.C. Official Code § 6-623.04), to give great weight to OP recommendations. OP recommended approval of the time extension request and the Commission concurs in its recommendation.

DECISION

In consideration of the above Findings of Fact and Conclusions of Law contained in this order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of a two-year time extension of the CG Overlay District review and special exception approved in Z.C. Order Nos. 10-12 and 10-12A. The C Hostel & Hotel project approved by the Commission shall be valid until November 12, 2016, within which time the Applicant will be required to file a building permit application to construct the approved project.

On November 24, 2014, upon motion by Commissioner Turnbull, as seconded by Commissioner Miller, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, 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* on January 2, 2015.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 14-01A
(Jemal's Hecht's, LLC – PUD Modification and Related Map Amendment @
Square 4037, Portions of Lots 7 & 804)
December 23, 2014

THIS CASE IS OF INTEREST TO ANCs 4A & 4B

On December 22, 2014, the Office of Zoning received an application from Jemal's Hecht's, LLC (the "Applicant") for approval of a modification to a previously-approved PUD and related map amendment for the above-referenced property.

The property that is the subject of this application consists of Portions of Lots 7 and 804 in Square 4037 in Northeast Washington, D.C. (Ward 5), which is located at 1401 New York Avenue, N.E. The property is currently zoned C-M-3. The Applicant proposes a PUD-related map amendment to rezone the property, for the purposes of this project, to C-3-C.

The Applicant proposes to construct a two-story addition to the existing warehouse building on the PUD Site. The addition will be located on the southeast corner of the PUD Site and will be connected to the warehouse building by a metal trellis. The addition will contain approximately 8,074 square feet of gross floor area and will rise to a maximum height of 32 feet, 11 inches. The addition is proposed to be leased by a restaurant or other retail establishment as permitted in the C-3-C Zone District.

The building addition is located in an area of the PUD Site that was originally approved for use as a circular driveway for vehicular pick-up and drop-off for building residents, visitors, and employees. The approved driveway was approximately 169 feet long and 24 feet wide, with ingress and egress from Hecht Avenue to the east of the PUD Site. The Applicant proposes to modify the driveway configuration as part of this application to provide space for the building addition with a one-way drive aisle with ingress from Hecht Avenue and egress onto Okie Street.

This case was filed electronically through the Interactive Zoning Information System ("IZIS"), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 14-24
(1900 11th Street, N.W., LLC –Map Amendment @ Square 2848,
Lots 39, 40, 72 & 838)
December 24, 2014**

THIS CASE IS OF INTEREST TO ANC 1A

On December 23, 2014, the Office of Zoning received an application from 1900 11th Street, N.W., LLC (the “Applicant”) for approval of a map amendment for the above-referenced property.

The property that is the subject of this application consists of Lots 39, 40, 72, and 838 in Square 2848 in Northwest Washington, D.C. (Ward 1), which is located at 1361 Irving Street and 1368, 1370, and 1372 Kenyon Street, N.W. The property is currently zoned R-4. The Applicant proposes to rezone the property to R-5-B.

The R-4 Zone District permits matter-of-right development of single-family residential uses (including detached, semi-detached, row dwellings, and flats), churches and public schools with a minimum lot width of 18 feet, a minimum lot area of 1,800 square feet and a maximum lot occupancy of 60% for row dwellings, churches and flats, a minimum lot width of 30 feet and a minimum lot area of 3,000 square feet for semi-detached structures, a minimum lot width of 40 feet and a minimum lot area of 4,000 square feet and 40% lot occupancy for all other structures (20% lot occupancy for public recreation and community centers); and a maximum height of three stories/40 feet (60 feet for churches and schools and 45 feet for public recreation and community centers). Conversions of existing buildings to apartments are permitted for lots with a minimum lot area of 900 square feet per dwelling unit. Rear yard requirement is 20 feet.

The R-5-B Zone District permits matter-of-right moderate development of general residential uses, including single-family dwellings, flats, and apartment buildings, to a maximum lot occupancy of 60% (20% for public recreation and community centers), a maximum density of 1.8 FAR, and a maximum height of 50 feet (90 feet for schools and 45 feet for public recreation and community centers). Rear yard requirements are not less than 15 feet.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

District of Columbia REGISTER – January 2, 2015 – Vol. 62 - No. 1 000001 – 000226