

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council passes Resolution 20-761, Sense of the Council that Black Lives Matter Emergency Resolution of 2014
- Executive Office of the Mayor establishes standard for official letterhead, publications, and signage (Mayor’s Order 2015-078)
- Department on Disability Services schedules a public hearing on the Rehabilitation Services Administration proposed policies and procedures
- D.C. Taxicab Commission proposes changes to the requirements for repainting vehicles to conform to the uniform color scheme
- D.C. Water and Sewer Authority proposes changes to the rates for water and sewer services
- Office on Asian and Pacific Islander Affairs announces funding availability for the FY2015 Asian American and Pacific Islander Community Grant
- Office of the State Superintendent of Education announces funding availability for the FY 2015 Charter Schools Program Dissemination Grant

DISTRICT OF COLUMBIA REGISTER

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-624

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 5, 2015

To amend, on a temporary basis, the Fiscal Year 2015 Budget Support Act of 2014 to extend the deadline for the University of the District of Columbia to raise \$1 million in private donations for the purpose of meeting accreditation standards.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "UDC Fundraising Extension Temporary Amendment Act of 2015".

Sec. 2. Section 7202 of the Fiscal Year 2015 Budget Support Act of 2014, enacted on September 23, 2014 (D.C. Act 20-424; 61 DCR 9990), is amended by striking the phrase "January 1" and inserting the phrase "April 10" in its place.

Sec. 3. Fiscal impact statement.

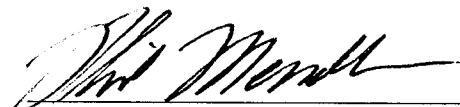
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act; approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

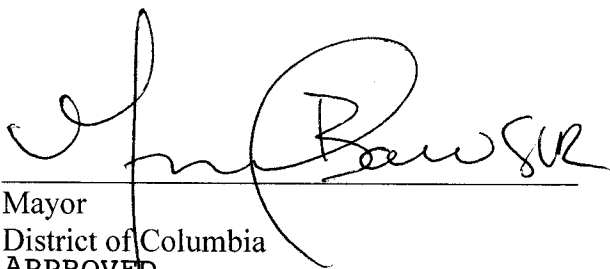
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813;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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 5, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-625

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 5, 2015

To amend, on a temporary basis, the Animal Control Act of 1979 to clarify that an educational institution is permitted to have animals for educational and instructional purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Classroom Animal for Educational Purposes Clarification Second Temporary Amendment Act of 2015".

Sec. 2. Section 9(h) of the Animal Control Act of 1979, effective October 18, 1979 (D.C. Law 3-30; D.C. Official Code § 8-1808(h)), is amended by adding a new paragraph (6) to read as follows:

"(6) Paragraph (1) of this subsection shall not apply to educational institutions that possess animals for educational and instructional purposes and that otherwise comply with humane, sanitary, and safe treatment requirements, as set forth in section 502 of the Animal Protection Amendment Act of 2008, effective December 5, 2008 (D.C. Law 17-281; D.C. Official Code § 8-1851.02)."

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)).

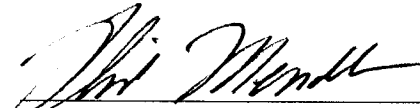
Sec. 4. Effective date.

(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


ENROLLED ORIGINAL

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

(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
February 5, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-626

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 5, 2015

To amend, on a temporary basis, An Act To provide for voluntary apprenticeship in the District of Columbia and the Amendments to An Act to Provide for Voluntary Apprenticeship in the District of Columbia Act of 1978 to make technical and conforming amendments to allow the District of Columbia to continue to be recognized by the U.S. Department of Labor as a State Apprenticeship Agency.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Apprenticeship Modernization Temporary Amendment Act of 2015".

Sec. 2. An Act To provide for voluntary apprenticeship in the District of Columbia, approved May 21, 1946 (60 Stat. 204; D.C. Official Code § 32-1401 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 32-1401) is amended to read as follows:
"It is the purpose of this act to:

"(1) Open to District of Columbia residents the opportunity to obtain training that will equip them for profitable employment and citizenship;

"(2) Establish, as a means to this end, a program of voluntary apprenticeship under approved apprenticeship agreements providing facilities for the training and guidance of apprentices in the arts and crafts of industry and trade, with parallel instruction in related and supplementary education;

"(3) Promote employment opportunities for young people under conditions providing adequate training and reasonable earnings;

"(4) Relate the supply of skilled workers to employment demands;

"(5) Establish standards for apprentice training;

"(6) Establish an Apprenticeship Council;

"(7) Provide for the establishment of local joint trade apprenticeship committees and non-joint committees to assist in effectuating the purposes of this act;

"(8) Provide for an associate of apprenticeship within the District of Columbia;

"(9) Provide that reports be submitted to the Council of the District of Columbia and to the public regarding the status of apprenticeship in the District of Columbia;

ENROLLED ORIGINAL

“(10) Establish a procedure for the determination of apprenticeship agreement controversies; and

“(11) Accomplish related purposes.”.

(b) Section 2 (D.C. Official Code § 32-1402) is amended as follows:

(1) Strike the phrase “Superintendent of Schools” and insert the phrase “Chancellor of District of Columbia Public Schools” in its place.

(2) Strike the phrase “appointed for a term of three years. Any member” and insert the phrase “appointed for a term of 3 years. At the end of a term, a member shall continue to serve until a successor is appointed and sworn into office. Any member” in its place.

(3) Strike the sentence “The compensation of each member not otherwise compensated by public money shall be paid not more than \$ 25 per day for each day spent in attendance at meetings of the Apprenticeship Council; provided, however, that any applicable laws passed by the Council of the District of Columbia shall supersede the provisions of this section.”.

(c) Section 3 (D.C. Official Code § 32-1403) is amended to read as follows:

“Sec. 3. (a) The Director of the Department of Employment Services shall appoint an Associate Director of Apprenticeship whose office shall have responsibility and accountability for the apprenticeship system in the District of Columbia. The Office of Apprenticeship, Information and Training, which shall be known as the Registration Agency, shall have the authority to approve apprenticeship registration for federal purposes.

“(b) The Associate Director of Apprenticeship shall be chosen from among the employees of the Apprenticeship Training Service actually engaged in formulating and promoting standards of apprenticeship under the provisions of An Act To enable the Department of Labor to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices and to cooperate with the States in the promotion of such standards, approved August 16, 1937 (50 Stat. 664; 29 U.S.C. §§ 50, 50a, and 50b).

“(c) The Office of Apprenticeship, Information and Training is authorized to supply the Associate Director of Apprenticeship or the Apprenticeship Council with the clerical, technical, and professional assistance considered essential to effectuate the purposes of this act.”.

(d) Section 4 (D.C. Official Code § 32-1404) is amended as follows:

(1) Strike the word “Director” and insert the phrase “Associate Director of Apprenticeship” in its place.

(2) Strike the phrase “Secretary of Labor” and insert the phrase “Director of the Department of Employment Services” in its place.

(3) Strike the sentence “Not less than once every two years the Apprenticeship Council shall make a report through the Mayor of its activities and findings to Congress and to the public.”.

(4) Add the following sentence at the end:

“Once every year the Registration Agency shall make a report through the Mayor of its findings and activities to the Council of the District of Columbia and to the public.”.

(e) Section 5 (D.C. Official Code § 32-1405) is amended to read as follows:

ENROLLED ORIGINAL

“The Associate Director of Apprenticeship, under the supervision of the Director of the Department of Employment Services and with the advice and guidance of the Apprenticeship Council, shall:

“(1) Administer the provisions of this act in cooperation with the Apprenticeship Council, local joint apprenticeship committees, and non-joint apprenticeship committees to develop criteria and training standards for apprentices, which shall in no case be lower than those required by this act;

“(2) Act as secretary of the Apprenticeship Council;

“(3) Approve, if approval is in the best interest of the apprentice, any apprentice agreement that meets the standards established by or in accordance with this act;

“(4) Terminate or cancel any apprenticeship agreement in accordance with the provisions of the apprenticeship agreement;

“(5) Engage with the State Board of Education and area community colleges on the administration and supervision of related and supplemental instruction for apprentices to ensure coordination of the instruction with job experiences; and

“(6) Perform such other duties necessary to carry out the intent of this act.”.

(f) Section 6 (D.C. Official Code § 32-1406) is amended to read as follows:

“(a) Local joint apprenticeship committees and non-joint apprenticeship committees in any trade or group of trades may be submitted to the Registration Agency for approval. Such apprenticeship committees shall be composed of an equal number of employer and employee representatives appointed by the groups or organizations they represent, or the committee may consist of the employer and not less than 2 representatives from the recognized bargaining agency.

“(b) In a trade or group of trades in which there is no bona fide employee organization, the Registration Agency, with the advice and guidance of the Apprenticeship Council, may approve a joint trade apprenticeship committee and a non-joint apprenticeship committee (also referred to as a unilateral or group non-joint committee).

“(c) Subject to the approval of the Registration Agency, and in accordance with standards established by or under authority of this act, joint trade apprenticeship committees and non-joint apprenticeship committees may develop standards to govern the training of apprentices and give such aid as may be necessary to effectuate the standards.”.

(g) Section 7 (D.C. Official Code § 32-1407) is amended to read as follows:

“For the purposes of this act, the term “apprentice” means a worker at least 16 years of age, except when a higher minimum age standard age is otherwise fixed by law, who is employed to learn an apprenticeable occupation meeting the criteria approved by the Registration Agency and who has entered into a written apprenticeship agreement, which contains the terms and conditions of the employment and training of the apprentice, with either the apprentice’s program sponsor or an apprenticeship committee acting as agent for the program sponsor.”.

(h) Section 8 (D.C. Official Code § 32-1408) is amended to read as follows:

“Every apprenticeship agreement entered into pursuant to this act shall contain:

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“(1) The names and signatures of the contracting parties, including the apprentice’s parent or guardian, if the apprentice is a minor, and the contact information of the program sponsor and the Registration Agency;

“(2) The date of birth of the apprentice and social security number, given on a voluntary basis;

“(3) A statement of the craft or occupation that the apprentice is to be taught and the time period at which the apprenticeship will begin and end;

“(4) A statement showing:

“(A) The number of hours to be spent by the apprentice in on-the-job learning in a time-based program;

“(B) A description of the skill sets to be attained by completion of a competency-based program, including the on-the-job learning component; or

“(C) The minimum number of hours to be spent by the apprentice and a description of the skill sets to be attained by completion of a hybrid program; and

“(D) Provisions for related and supplemental instruction;

“(5) A statement setting forth a schedule of the processes in the occupation or industry division in which the apprentice is to be trained and the approximate time to be spent in each process;

“(6) A statement of the graduated scale of wages to be paid the apprentice and whether the required school time shall be compensated;

“(7) A statement providing for a period of probation without adverse impact on the sponsor during which time the apprenticeship agreement shall be terminated by the Associate Director of Apprenticeship at the request, in writing, of the apprentice or suspended or cancelled by the sponsor for good cause with due notice to the apprentice and a reasonable opportunity for corrective action with due notice to the Associate Director of Apprenticeship, and providing that after a probationary period, the apprenticeship may be cancelled by the Associate Director of Apprenticeship by mutual agreement of all parties or canceled by the Associate Director of Apprenticeship for good and sufficient reasons;

“(8) Contact information (name, address, phone, and e-mail, if appropriate) of the person in the Registration Agency designated under the program to receive, process, and make disposition of a controversy or difference arising out of the apprenticeship agreement when the controversy or difference cannot be adjusted locally or resolved in accordance with the established procedure or applicable collective bargaining provisions.

“(9) A provision that a sponsor who is unable to fulfill the obligations under the apprenticeship agreement may, with the approval of the Associate Director of Apprenticeship or under the direction of the joint trade apprenticeship committee or non-joint apprenticeship committee or individual sponsor, transfer the apprenticeship agreement to another sponsor; provided, that:

“(A) The apprentice consents and that the other sponsor agrees to assume the obligations of the apprenticeship agreement;

ENROLLED ORIGINAL

“(B) The transferring apprentice is provided a transcript of related instruction and on-the-job learning by the program sponsor;

“(C) The transfer is to the same occupation; and

“(D) A new apprenticeship agreement is executed when the transfer between program sponsors occurs; and

“(10) Such additional terms and conditions as may be prescribed or approved by the Registration Agency with the advice and guidance of the Apprenticeship Council, if not inconsistent with the provisions of this act.”.

(i) Section 9 (D.C. Official Code § 32-1409) is amended by striking the word “Director” both times it appears and inserting the phrase “Associate Director of Apprenticeship” in its place.

(j) Section 10 (D.C. Official Code § 32-1410) is amended as follows:

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

(A) Strike the word “Director” and insert the phrase “Associate Director of Apprenticeship” in its place.

(B) Strike the phrase “under this act, and he may hold” and insert the phrase “under this act and may hold” in its place.

(C) Strike the phrase “Secretary of Labor” and insert the phrase “Registration Agency” in its place.

(2) Subsection (b) is amended to read as follows:

“(b)(1) The determination of the Associate Director of Apprenticeship shall be filed with the Apprenticeship Council. If no appeal is filed with the Apprenticeship Council within 10 days after the date of filing the appeal, the determination of the Associate Director of Apprenticeship shall become the order of the Apprenticeship Council.

“(2) Any person aggrieved by a determination or action of the Associate Director of Apprenticeship may appeal to the Apprenticeship Council, which shall hold a hearing after due notice to the interested parties.

“(3) Any person aggrieved by the action of the Apprenticeship Council may appeal as provided in 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.*).”.

(k) Section 12 (D.C. Official Code § 32-1412) is repealed.

Sec. 3. Section 5(c)(2) of the Amendments to An Act to Provide for Voluntary Apprenticeship in the District of Columbia Act of 1978, effective March 6, 1979 (D.C. Law 2-156; D.C. Official Code § 32-1431(c)(2)), is amended by striking the phrase “Contracting Officer” wherever it appears and inserting the phrase “Department of Employment Services” in its place.

Sec. 4. Fiscal impact statement.


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


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Sec. 5. Effective date.

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

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
February 5, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-627

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 5, 2015

To increase, on a temporary basis, certain appropriations in the Fiscal Year 2015 Budget Request Act pursuant to the District of Columbia Appropriations Act, 2015.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2015 Revised Budget Request Temporary Adjustment Act of 2015".

Sec. 2. (a) Pursuant to the District of Columbia Appropriations Act, 2015, approved December 16, 2014 (Pub. L. No. 113-235; 128 Stat. 2352), and any substantially similar subsequent federal appropriations measure, the amount appropriated to the District is authorized to and shall be increased by the amount of the proceeds of the D.C Water payment one-time transaction, upon certification by the Chief Financial Officer that the proceeds are available, to support unanticipated operating and capital needs.

(b) The Fiscal Year 2015 budget for the following agencies shall be adjusted, upon the certification of the availability of proceeds, as set forth in subsection (a) of this section, by the following amounts:

TITLE II—DISTRICT OF COLUMBIA FUNDS—SUMMARY OF EXPENSES

\$14,108,000 (of which \$14,108,000 shall be added to local funds) to be allocated as follows:

Government Direction and Support

The appropriation for Government Direction and Support is increased by \$600,000 in local funds; to be allocated as follows:

(1) Office of the District of Columbia Auditor. - \$600,000 is added to be available from local funds.

Economic Development and Regulation

The appropriation for Economic Development and Regulation is increased by \$13,508,000 in local funds; to be allocated as follows:

(1) Office of the Deputy Mayor for Planning and Economic Development. - \$13,508,000 is added to be available from local funds.

Capital Outlay

The appropriation for capital construction projects is increased by \$106,579,712.

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Sec. 3. Borrowing authority increase.

The Fiscal Year 2015 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2014, effective November 18, 2014 (Res. 20-687; 61 DCR 12738), is amended as follows:

(a) The long title is amended by striking the number "\$1,092,763,726" and inserting the number "\$1,199,343,438" in place.

(b) Section 2(a) is amended by striking the number "\$1,092,763,726" and inserting the number "\$1,199,343,438" in place.

(c) The tabular array is amended as follows:

(1) A new capital project is added to the Department of General Services entitled AM0 SPC01C, DC United Soccer Stadium Infrastructure Improvements in the amount \$106,579,712.

(2) The Department of General Services subtotal is amended by striking the number "\$22,870,099" and inserting the number "\$129,449,811" in its place.

(3) The grand total is amended by striking the number "\$1,092,763,726" and inserting the number "\$1,199,343,438" in 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.

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

(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
February 5, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-628

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 5, 2015

To authorize, on a temporary basis, the Mayor to assemble the W Street Trash Transfer site, Lots 36, 41, and 802 in Square 3942 and Parcels 0143/107 and 0143/110, through the use of eminent domain.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Lots 36, 41, and 802 in Square 3942 and Parcels 0143/107 and 0143/110 Eminent Domain Authorization Temporary Act of 2015".

Sec. 2. Findings.

The Council finds that:

(1) The District of Columbia Water and Sewer Authority ("DC Water") currently operates a site south of N Place, S.E., north of the Anacostia River and between 1st and Canal Streets, S.E. ("DC Water Site").

(2) Pursuant to the Anacostia Waterfront Framework Plan, the District of Columbia plans to dispose of and develop a portion of the DC Water Site so as to leverage other large-scale District investments in the Capitol Riverfront/Near Southeast neighborhood, such as the South Capitol Street Bridge project and Nationals Park thereby serving to accelerate and promote economic vitality as well as enhance economic development in the District of Columbia.

(3) For the planned disposition and development to proceed, it is necessary for DC Water to relocate the functions currently at the DC Water Site.

(4) The District of Columbia and DC Water have entered into a Memorandum of Understanding for DC Water to relocate a portion of the uses from the DC Water Site to a site in Prince Georges County, Maryland.

(5) The District desires to relocate the current DC Water Site uses not being relocated to the Prince Georges County site, including customer care and sewer service operations, to Lots 36, 41, and 802 in Square 3942 and Parcels 0143/107 and 0143/110 ("W Street Site").

(6) The W Street Site is currently occupied by a private trash transfer station.

(7) The trash transfer station is a blighting factor in Brentwood and its surrounding communities.

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(8) Residents of Brentwood and the surrounding communities have concerns regarding the noxious fumes that emanate from the trash transfer station and pervasive vermin and have complained that there is an increased incidence of health concerns.

(9) The W Street Site trash transfer station continues to operate as an open air trash transfer station which allows its pungent odors to reach much farther than they would if the facility were closed.

(10) Since August 2012, the District Department of the Environment has conducted at least 37 inspections and issued 8 notices of infractions to the W Street Site trash transfer station.

(11) The W Street Site will provide an opportunity to construct and establish an updated customer care and sewer service operation for DC Water that is more centrally located within the District of Columbia.

(12) The relocation of DC Water to the W Street Site shall not be considered as a permanent solution to the future use of the site. The permanent future use of the W. Street Site should include sustainable economic development and be made in consultation with the surrounding community.

Sec. 3. Exercise of eminent domain.

The Mayor may exercise eminent domain in accordance with the procedures set forth in subchapter II of Chapter 13 of Title 16 of the District of Columbia Official Code to acquire Lots 36, 41 and 802 in Square 3942 and Parcels 0143/107 and 0143/110 for the purposes set forth in section 2.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

(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

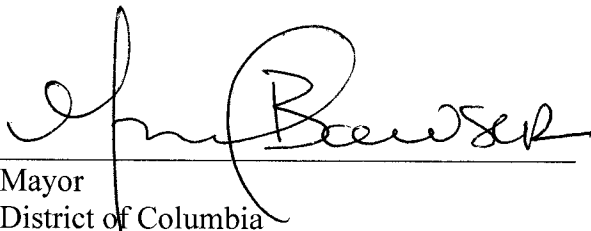
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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(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
February 5, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-629

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 5, 2015

To amend, on a temporary basis, Title 47 of the District of Columbia Official Code to clarify the applicability date of the market-based sourcing legislation and the tax sale interest rate to be paid to certain purchasers; and to amend the Fiscal Year 2015 Budget Support Act of 2014 to provide grant-making authority for a specified purpose to the Deputy Mayor for Planning and Economic Development for Fiscal Year 2015.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Market-based Sourcing Inter Alia Clarification Temporary Amendment Act of 2015".

Sec. 2. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1334 is amended to read as follows:

"§ 47-1334. Interest rate.

"(a) The rate of simple interest on all amounts due, owing, or paid for the taxes sold or bid off to the District under this chapter shall be 1.5% per month or portion thereof until paid, excluding surplus; provided, that interest on the amount sold at tax sale, excluding surplus, shall accrue at the applicable interest rate beginning the first day of the month following the tax sale. No interest shall accrue for surplus, expenses, or the reasonable value of improvements.

"(b) The purchaser shall receive simple interest of 1.5% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following when the real property was sold or the certificate of sale was assigned by the Mayor until the payment to the Mayor is made as required under § 47-1361(a), by another purchaser under § 47-1382(c), or by the trustee under § 47-1382.01(d)(2), and as provided in § 47-1354(b) for the period when such other taxes were paid. The purchaser shall receive no interest for expenses or the reasonable value of improvements."

(b) Section 47-1348 is amended as follows:

(1) Subsection (a)(10) is amended to read as follows:

"(10) A statement that the rate of simple interest, upon redemption, shall be 1.5% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following the date of the tax sale or the date when the certificate of sale was assigned by the Mayor."

ENROLLED ORIGINAL

(2) Subsection (c) is amended by striking the phrase "On redemption, the purchaser will be refunded the sums paid on account of the purchase price, together with interest thereon at the rate of 18% per annum from the date the real property was sold to the date of redemption; provided, that the purchaser shall not receive interest on any surplus." and inserting the phrase "Upon payment to the Mayor as specified in § 47-1361(a) or, if payment to the Mayor is made by another purchaser under § 47-1382(c), the purchaser shall be refunded the sums paid on account of the purchase price, together with simple interest thereon at the rate of 1.5% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following the date of the tax sale or the date when the certificate of sale was assigned by the Mayor until the payment to the Mayor is made as required under § 47-1361(a) or § 47-1382(c); provided, that the purchaser shall not receive interest on any surplus." in its place.

(c) Section 47-1353(d) is amended to read as follows:

"(d) Upon payment to the Mayor as specified in § 47-1361(a) or if payment to the Mayor is made by another purchaser as specified in § 47-1382(c), the purchaser shall be refunded the sums paid on account of the purchase price, together with simple interest thereon at the rate of 1.5% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following the day of the tax sale to the purchaser or the date when the certificate of sale was assigned by the Mayor until the payment to the Mayor is made as required under § 47-1361(a) or § 47-1382(c); provided, that the purchaser shall not receive interest on any surplus."

(d) Section 47-1810.02(g)(3) is amended to read as follows:

"(3)(A) For the tax years beginning after December 31, 2014, sales, other than sales of tangible personal property, are in the District if the taxpayer's market for the sales is in the District. The taxpayer's market for sales is in the District:

"(i) In the case of sale, rental, lease, or license of real property, if and to the extent the property is located in the District;

"(ii) In the case of rental, lease, or license of tangible personal property, if and to the extent the property is located in the District;

"(iii) In the case of the sale of a service, if and to the extent the service is delivered to a location in the District; and

"(iv) In the case of intangible property:

"(I) That is rented, leased, or licensed, if and to the extent the property is used in the District; provided, that intangible property utilized in marketing a good or service to a consumer is used in the District if that good or service is purchased by a consumer who is in the District; and

"(II) That is sold, if and to the extent the property is used in the District; provided, that:

"(aa) A contract right, government license, or similar intangible property that authorizes the holder to conduct a business activity in a specific geographic area is used in the District if the geographic area includes all or part of the District;

ENROLLED ORIGINAL

"(bb) Receipts from intangible property sales that are contingent on the productivity, use, or disposition of the intangible property shall be treated as receipts from the rental, lease, or licensing of such intangible property under sub-sub-paragraph (I) of this sub-subparagraph; and

"(cc) All other receipts from a sale of intangible property shall be excluded from the numerator and denominator of the sales factor.

"(B) If the state or states of assignment under subparagraph (A) of this paragraph cannot be determined, the state or states of assignment shall be reasonably approximated.

"(C) If the taxpayer is not taxable in a state in which a sale is assigned under subparagraph (A) or (B) of this paragraph, or if a state of assignment cannot be determined under subparagraph (A) of this paragraph or reasonably approximated under subparagraph (B) of this paragraph, the sale shall be excluded from the denominator of the sales factor.

"(D) The Chief Financial Officer may prescribe regulations as necessary or appropriate to carry out the purposes of this subsection.

"(E) This paragraph shall apply as of October 1, 2014.'.

Sec. 3. Section 6089 of the Fiscal Year 2015 Budget Support Act of 2014, enacted on September 23, 2014 (D.C. Act 20-424; 61 DCR 9990), is amended by striking the period at the end and inserting the phrase “, and a grant of \$1 million for economic development to the Washington, DC Economic Partnership.” 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.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 5, 2015

ENROLLED ORIGINAL

AN ACT
D.C. ACT 20-630

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 5, 2015

To amend, on a temporary basis, Chapter 5 of Title 24 of the District of Columbia Municipal Regulations to regulate the sale of tickets from public space.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Ticket Sale Regulation Temporary Amendment Act of 2015".

Sec. 2. Chapter 5 of Title 24 of the District of Columbia Municipal Regulations is amended by adding a new section 573.8 to read as follows:

"573.8 No person shall sell or offer to sell any ticket from the sidewalks, streets, or public spaces anywhere in the District of Columbia for any excursion, musical or theatrical performance, opera, sporting event, circus, or any entertainment of any kind; provided, that sales of tickets on public space for sightseeing bus excursions shall comply with the provisions of §§573.5, 573.6, 573.7."

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)).

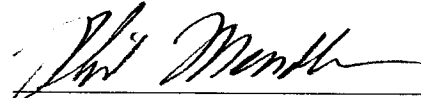
Sec. 4. Effective date.

(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

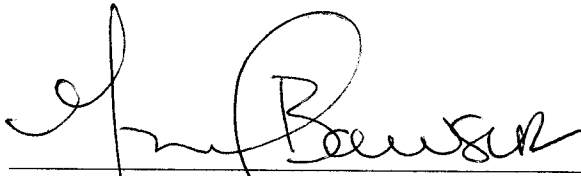
ENROLLED ORIGINAL

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

(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
February 5, 2015

ENROLLED ORIGINAL

A RESOLUTION

20-761

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare, on an emergency basis, the sense of the Council that Black Lives Matter.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council that Black Lives Matter Emergency Resolution of 2014”.

Sec. 2. The Council finds that:

(1) On August 9, 2014, in Ferguson, Missouri, Michael Brown, an 18-year old unarmed African-American teenager, was fatally shot by Darren Wilson, a white Ferguson police officer. On November 24, 2014, the prosecutor publicly announced that the grand jury decided not to indict Darren Wilson.

(2) On July 17, 2014, in Staten Island, New York, Eric Garner, a 43-year-old African-American man, was fatally choked by Daniel Pantaleo, a white New York City police officer who put him in an illegal chokehold. On December 3, 2014, a Staten Island grand jury decided not indict Daniel Pantaleo.

(3) The deaths of Michael Brown, Eric Garner and the failure of grand juries to indict have inspired several protests nation-wide as part of a national dialogue.

(4) Though violence often begets violence, the best response is the choice to engage in non-violent problem solving.

(5) Peaceful protests and other speech protected by the First Amendment to the Constitution of the United States must be protected and received with a listening ear, an open mind, a willing heart, and other resources to effect change.

(6) A great measure of courage and resolve are necessary to correct unjust laws, enhance fairness in our criminal justice system and create a more perfect Union.

(7) Our nation continues to struggle with issues of race, bias, racial prejudice and racism.

(8) Black Lives Matter is a declaration and movement that has been embraced by persons from various cities, cultures, socio-economic backgrounds and races. It is spoken, typed, displayed, and otherwise communicated in recognition of the historical and cultural context in which recent events have occurred, with the understanding that the lives of people of color in this nation have not been appropriately valued, to the detriment of their lives and to the harm of this

ENROLLED ORIGINAL

nation as a whole, and with the hope that this will change.

Sec. 3. It is the sense of the Council that Black Lives Matter, as do the lives of all residents of the District of Columbia.

Sec. 4. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-762

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency with respect to the need to increase certain appropriations in the Fiscal Year 2015 Budget Request Act pursuant to the District of Columbia Appropriations Act, 2015.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2015 Revised Budget Request Adjustment Emergency Declaration Resolution of 2014".

Sec. 2. The Mayor and the Council have been working together in recent weeks to propose a viable plan in order to fund one-time operating and capital costs of the DC United Soccer Stadium at the selected Buzzard Point site that were unanticipated at the time the Fiscal Year 2015 budget was approved. This legislation addresses that need by securing the necessary operating and capital spending authority. This legislation provides a streamlined funding mechanism in order to allocate the necessary funding.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2015 Revised Budget Request Emergency Adjustment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-763

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency with respect to the need to exempt the Not-For-Profit Hospital Corporation from certificate-of-need requirements for the establishment of an ambulatory care clinic in Ward 8.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution be cited as the “Not-For-Profit Hospital Corporation Certificate of Need Exemption Emergency Declaration Resolution of 2014”.

Sec. 2. (a) The District of Columbia provides healthy-baby services through a federal grant program known as the Healthy Start Program.

(b) While healthy baby services are needed throughout the District, the need is greatest in Wards 7 and 8. In 2012, Wards 7 and 8 had infant mortality rates of 9.5 and 14.9 infant deaths per thousand, respectively, as compared to an infant mortality rate of 7.9 infant deaths per thousand for the entire city.

(c) The Not-For-Profit Hospital Corporation is a District-owned hospital located in Ward 8 that primarily serves Wards 7 and 8.

(d) The Not-For-Profit Hospital Corporation wishes to expand services in Wards 7 and 8, including the use of mobile health clinics that would serve the entire city and provide services that supplement the Healthy Start Program.

(e) The District’s infant mortality remains higher than it should, and the addition of mobile health clinics to provide prenatal care would help reduce the rate of infant mortality.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Not-For-Profit Hospital Corporation Certificate of Need Exemption Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-764

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency with respect to the need to approve Purchase Orders PO461297, PO461297-V2, PO485974, PO485974-V2 and PO485974-V3 issued pursuant to Human Care Provider Agreement No. RM-14-HCPA-051-BY4-CPS between the Department of Behavioral Health and Clean and Sober Streets, Inc., and to authorize payment for the services received under the purchase orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Purchase Orders to Human Care Provider Agreement No. RM-14-HCPA-051-BY4-CPS Approval and Payment Authorization Emergency Declaration Resolution of 2014".

Sec. 2. (a) There exists an immediate need to approve Purchase Orders PO461297, PO461297-V2, PO485974, PO485974-V2, and PO485974-V3 issued pursuant to Human Care Provider Agreement No. RM-14-HCPA-051-BY4-CPS between the Department of Behavioral Health and Clean and Sober Streets, Inc., for Level III non-hospital residential substance abuse treatment services to eligible District residents.

(b) Due to higher than anticipated utilization and to maintain continuity of care, the cost of the purchase orders for the period from May 2, 2013 through May 1, 2014 totaled \$1,101,375.55, necessitating Council approval because they are in excess of \$1,000,000 during a 12-month period.

(c) Without this approval, Clean and Sober Streets, Inc., cannot be paid for services provided in excess of \$1,000,000 for the period May 2, 2013 through May 1, 2014.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Purchase Orders to Human Care Provider Agreement No. RM-14-HCPA-051-BY4-CPS Approval and Payment Authorization Emergency Declaration Resolution of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-765

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency with respect to the need to approve Purchase Orders PO461288, PO461288-V2, PO461288-V3, PO461288-V4, PO485889, PO485889-V2, PO485889-V3 and PO485889-V4 issued pursuant to Human Care Provider Agreement No. RM-14-HCPA-036-BY4-CPS between the Department of Behavioral Health and United Planning Organization, Inc., and to authorize payment for the services received under the purchase orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Purchase Orders to Human Care Provider Agreement No. RM-14-HCPA-036-BY4-CPS Approval and Payment Authorization Emergency Declaration Resolution of 2014".

Sec. 2. (a) There exists an immediate need to approve the Purchase Orders PO461288, PO461288-V2, PO461288-V3, PO461288-V4, PO485889, PO485889-V2, PO485889-V3 and PO485889-V4 issued pursuant to Human Care Provider Agreement RM-14-HCPA-036-BY4-CPS between the Department of Behavioral Health and United Planning Organization, Inc., for Level I narcotic/opioid outpatient substance abuse treatment services to eligible District residents.

(b) Due to higher than anticipated utilization and to maintain continuity of care, the cost of the purchase orders for the period from May 2, 2013 through May 1, 2014 totaled \$2,005,914.81, necessitating Council approval because they are in excess of \$1,000,000 during a 12-month period.

(c) Without this approval, United Planning Organization, Inc. cannot be paid for services provided in excess of \$1,000,000 for the period May 2, 2013 through May 1, 2014.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Purchase Orders to Human Care Provider Agreement RM-14-HCPA-036-BY4-CPS Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-766

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency with respect to the need to appoint Paul Ashton II as a member of the Police Complaints Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Police Complaints Board Paul Ashton II Confirmation Emergency Declaration Resolution of 2014".

Sec. 2. (a) The Police Complaints Board ("Board") was established by section 5 of the Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1104), as an effective and efficient system for the citizens of the District of Columbia to review the Metropolitan Police Department's exercise of police powers.

(b) The Board consists of 5 members, one of whom shall be a member of the Metropolitan Police Department, and 4 of whom shall have no current affiliation with any law enforcement agency. All members of the Board shall be residents of the District of Columbia.

(c) A quorum for the transaction of business consists of 3 members of the Board.

(d) The members of the Board are appointed by the Mayor, subject to confirmation by the Council.

(e) Ms. Margaret Moore, who was serving in holdover capacity on the Board, vacated her seat, leaving the Board without a quorum.

(f) Mr. Paul Ashton II would fill Ms. Moore's vacant seat.

(g) There is an immediate need to confirm Mr. Ashton to ensure that the Board has a quorum to legally conduct business.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Police Complaints Board Paul Ashton II Emergency Confirmation Resolution of 2014 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-767

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To confirm, on an emergency basis, the appointment of Mr. Paul Ashton II to the Police Complaints Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Police Complaints Board Paul Ashton II Emergency Confirmation Resolution of 2014".

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

Mr. Paul Ashton II
1510 Columbia Road, N.W.
Washington, D.C. 20009
(Ward 1)

as a member of the Police Complaints Board, established by section 5 of the Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1104), for a term to end January 12, 2016.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-768

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency with respect to the need to amend An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes to clarify that the posting requirement in section 5a is satisfied by posting the initial vacant or blight determination.

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

Sec. 2. (a) The Nuisance Properties Abatement Reform and Real Property Classification Amendment Act of 2008, effective August, 15, 2008 (D.C. Law 17-216; 55 DCR 7500) (“nuisance act”), created a requirement that all notices specified by the nuisance act be provided by mail and by posting at the subject property. Previously, posting was required only when the registration status of the subject property changed or needed to change.

(b) On October 17, 2014, a judge in the Office of Administrative Hearings dismissed a notice of infraction issued by the Department of Consumer and Regulatory Affairs because, inter alia, the notice failed to satisfy the posting requirement.

(c) Prior to the decision of the Office of Administrative Hearings, the Department of Consumer and Regulatory Affairs had been posting notice at the subject property only when the subject property changed or needed to change.

(d) Without clarifying that the provision should apply only to registration-status changes, the Department of Consumer and Regulatory Affairs will be required to devote considerable resources to posting duplicative notices at a subject property rather than devoting those resources to registering and monitoring other vacant properties. All notices would still be required to be provided by United States mail.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-769

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency with respect to the need to amend An Act To provide for voluntary apprenticeship in the District of Columbia and the Amendments to An Act to Provide for Voluntary Apprenticeship in the District of Columbia Act of 1978 to make technical and conforming amendments to allow the District of Columbia to continue to be recognized by the U.S. Department of Labor to operate as a State Apprenticeship Agency.

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

Sec. 2. (a) The District of Columbia is currently recognized by the U.S. Department of Labor as able to operate as a State Apprenticeship Agency pursuant to Title 29 CFR, part 29.13, and has been since 1946.

(b) Beginning in 2008, the U.S. Department of Labor began the process of updating the Federal rules governing apprenticeship programs, labor standards for registration, and amending its regulations.

(c) To conform to the new regulations, for Federal purposes, each State Apprenticeship Agency must update its existing apprenticeship statutes and regulations for continued recognition as an apprenticeship registration agency.

(d) The District of Columbia, through its Office of Apprenticeship, Information and Training within the Department of Employment Services, has worked closely with the U.S. Department of Labor, Office of Apprenticeship, to draft mutually agreeable changes to the District’s apprenticeship statutes and regulations.

(e) The U.S. Department of Labor has indicated by letter that once the drafted changes are enacted, the District will retain its more than 60 years of recognition as a State Apprenticeship Agency.

(f) The present action, amending the apprenticeship statutory law, is necessary to move forward with conforming the local apprenticeship regulations to the Federal standards.

(g) The U.S. Department of Labor has indicated its preference for immediate action so that all current and new apprenticeship programs approved by the jurisdiction are in compliance with the new Federal standards.

ENROLLED ORIGINAL

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-770

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency with respect to the need to make a finding that the District-owned real property located at 125 O Street, S.E. and 1402 1st Street, S.E., known for tax and assessment purposes as a portion of Lot 805 in Square 744S and a portion of Lot 801 in Square 744SS, is no longer required for public purposes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “125 O Street, S.E. and 1402 1st Street, S.E. Surplus Property Declaration Emergency Declaration Resolution of 2014”.

Sec. 2. (a) The District owns real property located at 125 O Street, S.E. and 1402 1st Street, S.E. (“Property”).

(b) The Property is utilized by DC Water for its fleet service and sewer service operations. Currently this operation consists of various low-scale structures and surface parking.

(c) The Anacostia Waterfront Initiative (“AWI”) Framework Plan, adopted by former Mayor Anthony Williams and the Council in 2003, is a framework plan to advance the Anacostia River’s clean-up, identify opportunities to increase access to the river, target areas for new development, and pioneer innovative green practices in new development.

(d) The AWI Framework Plan determined that the Property would be best served as an important development link for overall redevelopment of the Capitol Riverfront by providing additional mixed-use commercial development that leverages the ongoing public and private investments in the neighborhood as a mixed-use destination.

(e) The Property was under the purview of the Anacostia Waterfront Corporation (“AWC”) during the existence of that entity, and has since become part of the Office of the Deputy Mayor for Planning and Economic Development’s portfolio.

(f) In 2005, AWC selected Forest City (“Developer”) to redevelop the Property and assist with locating suitable sites for the relocation of DC Water fleet service and sewer service operations.

(g) Since 2007, the District has been negotiating with the Developer for the disposition and development of the Property and evaluating potential sites for the relocation of DC Water.

(h) Significant community input has been received on the redevelopment of the Property through outreach and input for the Planned Unit Development (“PUD”). On February 7, 2014, the Zoning Commission approved the PUD for the Property.

ENROLLED ORIGINAL

(i) The District is working with DC Water to procure suitable relocation sites. Specifically, a suitable site in Prince George's County, Maryland has been identified and is under contract to DC Water for relocation of fleet service operations.

(j) The relocation of DC Water is necessary to move forward with the redevelopment of the Property. Site acquisition in Prince George's County is imminent. Council approval of the disposition ensures that the relocation of DC Water to Prince George's County can occur. Without approval of the surplus declaration, the District risks losing the only site currently available for the relocation of DC Water fleet services.

(k) The Developer has been negotiating with a key anchor tenant to bring significant amenities to the Capital Riverfront neighborhood through the redevelopment of the Property.

(l) The anchor tenant is necessary to bring amenities to the residents of the District, generate tax revenues for the District, and create jobs for District residents.

(m) The anchor tenant will be financing significant tenant improvements on its own behalf, such financing being necessary for the viability of the proposed redevelopment. Without approval of the surplus disposition, the anchor tenant will not be able to commit the necessary capital to make the project viable.

(n) Time is of the essence for the District to acquire a site for the relocation of DC Water fleet services and to receive the necessary commitments of the key anchor tenant.

(o) The proposed resolution will approve the surplus declaration of the Property. The approval of the resolution and the companion disposition will enable the District to acquire a relocation site for DC Water fleet services and the Developer to pursue the necessary commitments from the key anchor tenant.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the 125 O Street, S.E. and 1402 1st Street, S.E. Surplus Property Declaration Emergency Resolution of 2014 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-771

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare that the District-owned real property located at 125 O Street, S.E. and 1402 1st Street, S.E., known for tax and assessment purposes as a portion of Lot 805 in Square 744S and a portion of Lot 801 in Square 744SS, is no longer required for public purposes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “125 O Street, S.E. and 1402 1st Street, S.E. Surplus Property Declaration Emergency Resolution of 2014”.

Sec. 2. Findings.

(a) The real property located at 125 O Street, S.E. and 1402 1st Street, S.E., known for tax and assessment purposes as a portion of Lot 805 in Square 744S and a portion of Lot 801 in Square 744SS (“Property”), consists of approximately 235,130 square feet of land, as determined by the Mayor. The Property is currently improved with several low-scale structures and surface parking that are used by DC Water for light industry uses in connection with their fleet services and sewer services operations.

(b) The Property is no longer required for public purposes because the Property’s condition no longer viably accommodates a District agency use or other public use. The most pragmatic solution for activating this space is to relocate the DC Water parking and sewer services operations, declare the Property surplus, and dispose of the Property for redevelopment.

(c) The declaration of the Property as surplus will be conditioned on:

(1) DC Water receiving rights to occupy suitable relocation/replacement property(ies);

(2) Encumbered funding for activities necessary to allow DC Water to relocate to and operate on such relocation/replacement property(ies); and

(3) Approval by an independent engineer procured by DC Water of an operational plan during and after relocation.

(d) Pursuant to section 1(a-1)(4) 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 (a-1)(4)) (“Act”), a public hearing was held on November 20, 2014, at the Boilermaker Shops located at 300 Tingey Street, S.E., Unit 140, regarding the finding that the Property is no longer required for public purposes.

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Sec. 3. Pursuant to section 1(a-1) of the Act, the Council finds that the Property is no longer required for public purposes.

Sec. 4. Transmittal.

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

Sec. 5. 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. 6. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-772

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency with respect to the need to approve the disposition of District-owned real property located at 125 O Street, S.E. and 1402 1st Street, S.E., known for tax and assessment purposes as a portion of Lot 805 in Square 744S and a portion of Lot 801 in Square 744SS.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “125 O Street, S.E. and 1402 1st Street, S.E. Property Disposition Emergency Declaration Resolution of 2014”.

Sec. 2. Findings.

(a) The District owns real property located at 125 O Street, S.E. and 1402 1st Street, S.E. (“Property”).

(b) The Property is utilized by DC Water for its fleet service and sewer service operations. Currently this operation consists of various low-scale structures and surface parking.

(c) The Anacostia Waterfront Initiative (“AWI”) Framework Plan, adopted by former Mayor Anthony Williams and the Council in 2003, is a framework plan to advance the Anacostia River’s clean-up, identify opportunities to increase access to the river, target areas for new development, and pioneer innovative green practices in new development.

(d) The AWI Framework Plan determined that the Property would be best served as an important development link for overall redevelopment of the Capitol Riverfront by providing additional mixed-use commercial development that leverages the ongoing public and private investments in the neighborhood as a mixed-use destination.

(e) The Property was under the purview of the Anacostia Waterfront Corporation (“AWC”) during the existence of that entity, and has since become part of the Office of the Deputy Mayor for Planning and Economic Development’s portfolio.

(f) In 2005, AWC selected Forest City (“Developer”) to redevelop the Property and assist with locating suitable sites for the relocation of DC Water fleet service and sewer service operations.

(g) Since 2007, the District has been negotiating with the Developer for the disposition and development of the Property and evaluating potential sites for the relocation of DC Water.

(h) Significant community input has been received on the redevelopment of the Property through outreach and input for the Planned Unit Development (“PUD”). On February 7, 2014, the Zoning Commission approved the PUD for the Property.

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(i) The District is working with DC Water to procure suitable relocation sites. Specifically, a suitable site in Prince George's County, Maryland has been identified and is under contract to DC Water for relocation of fleet service operations.

(j) The relocation of DC Water is necessary to move forward with the redevelopment of the Property. Site acquisition in Prince George's County is imminent. Council approval of the disposition ensures that the relocation of DC Water to Prince George's County can occur. Without approval of the disposition, the District risks losing the only site currently available for the relocation of DC Water fleet services.

(k) The Developer has been negotiating with a key anchor tenant to bring significant amenities to the Capital Riverfront neighborhood through the redevelopment of the Property.

(l) The anchor tenant is necessary to bring amenities to the residents of the District, generate tax revenues for the District, and create jobs for District residents.

(m) The anchor tenant will be financing significant tenant improvements on its own behalf, such financing being necessary for the viability of the proposed redevelopment. Without approval of the disposition, the anchor tenant will not be able to commit the necessary capital to make the project viable.

(n) Time is of the essence for the District to acquire a site for the relocation of DC Water fleet services and to receive the necessary commitments of the key anchor tenant.

(o) The proposed resolution will approve the disposition of the Property. The approval of the resolution and its companion surplus declaration will enable both the District to acquire a relocation site for DC Water fleet services and the Developer to pursue the necessary commitments from the key anchor tenant.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the 125 O Street, S.E. and 1402 1st Street, S.E. Property Disposition Emergency Approval Resolution of 2014 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-773

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To approve, on an emergency basis, the disposition of 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 805 in Square 744S and a portion of Lot 801 in Square 744SS.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “125 O Street, S.E. and 1402 1st Street, S.E. Property Disposition Emergency Approval Resolution of 2014”.

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) “CBE Agreement” means an agreement governing certain obligations of the Transferee under the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*) (“CBE Act”), including the equity and development participation requirements set forth in section 2349a of the CBE Act (D.C. Official Code § 2-218.49a).

(2) “Certified Business Enterprise” means a business enterprise or joint venture certified pursuant to the CBE Act.

(3) “First Source Agreement” means an agreement with the District governing certain obligations of the Transferee pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor’s Order 83-265, dated November 9, 1983, regarding job creation and employment generated as a result of the construction on the Property.

(4) “Property” means the real property located at 125 O Street, S.E. and 1402 1st Street, S.E., known for tax and assessment purposes as a portion of Lot 805 in Square 744S and a portion of Lot 801 in Square 744SS.

(5) “Transferee” means the Forest City Washington, Inc., a District of Columbia corporation located at 301 Water Street, S.E., Suite 201, Washington D.C. 20003, its successor, or one of its affiliates or assignees approved by the Mayor.

Sec. 3. Findings.

(a) The Property is located at 125 O Street, S.E. and 1402 1st Street, S.E., and consists of approximately 235,130 square feet of land. The Property is currently improved with several low-

ENROLLED ORIGINAL

scale structures and surface parking that are used by DC Water for light industry uses in connection with their fleet services and sewer services operations.

(b) The intended use of the Property (the "Project") is a mixed-use residential and retail development with parking and any ancillary uses allowed under applicable law.

(c) The Project will also contain affordable housing as described in the term sheet submitted with this resolution.

(d) The Transferee will enter into an agreement that shall require the Transferee to, at a minimum, contract with Certified Business Enterprises for at least 35% of the contract dollar volume of the Project, and shall require at least 20% equity and 20% development participation of Certified Business Enterprises.

(e) The Transferee will enter into a First Source Agreement with the District that shall govern certain obligations of the Transferee pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03) and Mayor's Order 83-265, dated November 9, 1983, regarding job creation and employment as a result of the construction on the Property.

(f) Pursuant to 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.*) ("Act"), the proposed method of disposition is (i) a public or private sale to the bidder providing the most benefit to the District under section 1(b)(8)(F) of the Act for a portion of the Property and (ii) a lease for a period of greater than 20 years under section 1(b)(8)(C) of the Act for a portion of the Property.

(g) All documents that are submitted with this resolution pursuant to section 1(b-1) of the Act shall be consistent with the executed Memorandum of Understanding or term sheet transmitted to the Council pursuant to section 1(b-1)(2) of the Act.

Sec. 4. Approval of disposition.

(a) Pursuant to section 1(b)(8)(C) and section 1(b)(8)(F) of the Act, the Mayor transmitted to the Council a request for approval of the disposition of the Property to the Transferee.

(b) The Council approves the disposition of the Property.

Sec. 5. Transmittal.

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

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-774

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency with respect to the need to extend the time allowed for the disposition of District-owned real property located at 125 O Street, S.E. and 1402 1st Street, S.E., known for tax and assessment purposes as a portion of Lot 805 in Square 744S and a portion of Lot 801 in Square 744SS.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “125 O Street, S.E. and 1402 1st Street, S.E. Property Disposition Extension Emergency Declaration Resolution of 2014”.

Sec. 2. (a) The District owns real property located at 125 O Street, S.E. and 1402 1st Street, S.E. (“Property”).

(b) The Property is utilized by DC Water for its fleet service and sewer service operations. Currently this operation consists of various low-scale structures and surface parking.

(c) The Anacostia Waterfront Initiative (“AWI”) Framework Plan, adopted by former Mayor Anthony Williams and the Council in 2003, is a framework plan to advance the Anacostia River’s clean-up, identify opportunities to increase access to the river, target areas for new development, and pioneer innovative green practices in new development.

(d) The AWI Framework Plan determined that the Property would be best served as an important development link for overall redevelopment of the Capitol Riverfront by providing additional mixed-use commercial development that leverages the ongoing public and private investments in the neighborhood as a mixed-use destination.

(e) The Property was under the purview of the Anacostia Waterfront Corporation (“AWC”) during the existence of that entity, and has since become part of the Office of the Deputy Mayor for Planning and Economic Development’s portfolio.

(f) In 2005, AWC selected Forrest City (“Developer”) to redevelop the Property and assist with locating suitable sites for the relocation of DC Water fleet service and sewer service operations.

(g) Since 2007, the District has been negotiating a disposition with the Developer for the disposition and development of the Property and evaluating potential sites for the relocation of DC Water.

(h) Significant community input has been received on the redevelopment of the Property through outreach and input for the Planned Unit Development (“PUD”). On February 7, 2014, the Zoning Commission approved the PUD for the Property.

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(i) Prior to transfer of the Property to the Developer, DC Water's fleet service and sewer service operations must be relocated.

(j) The Land Disposition Agreement ("LDA") and supporting documents have been submitted to the Council for approval of the surplus declaration and the disposition of the Property.

(k) The redevelopment of the Property will be completed in multiple phases to allow for the relocation of DC Water in phases. Each phase can close when particular DC Water function units have been relocated. As a result, the Developer can begin construction on the first phase of redevelopment once DC Water fleet services is relocated and while relocation of other DC Water functions is being pursued.

(l) The sequential relocation of DC Water is a condition precedent to the disposition of any portion of the Property in accordance with the LDA.

(m) The complete relocation of DC Water cannot be completed within 2 years.

(n) The required timeline to satisfy the conditions precedent to the disposition of the Property in accordance with the LDA provides for pre-closing obligations that extend beyond the 2-year timeframe authorized by section 1(d) 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(d)).

(o) The proposed resolution will permit additional time to satisfy the pre-closing obligations and dispose of the Property and allows the District and the Developer to enter into the LDA and satisfy the pre-closing obligations.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the 125 O Street, S.E. and 1402 1st Street, S.E. Property Disposition Extension Emergency Approval Resolution of 2014 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-775

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To approve, on an emergency basis, the extension of the time limit for the disposition of certain District-owned real property located at 125 O Street, S.E. and 1402 1st Street, S.E., known for tax and assessment purposes as a portion of Lot 805 in Square 744S and a portion of Lot 801 in Square 744SS.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “125 O Street, S.E. and 1402 1st Street, S.E. Property Disposition Extension Emergency Approval Resolution of 2014”.

Sec. 2. (a) Pursuant to section 1(d) 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(d)), and upon consideration of the required timeline to satisfy the conditions precedent to the disposition of certain real property located at 125 O Street S.E. and 1402 1st Street S.E., and comprising approximately 235,130 square feet of land, designated for purposes of taxation and assessment as a portion of Lot 805 in Square 744S and a portion of Lot 801 in Square 744SS (“Property”) in accordance with the Land Disposition Agreement (“LDA”) and the pre-closing obligations of the Developer and the District contained in the LDA, all of which have been submitted to the Council by the Mayor to demonstrate that this timeline provides for pre-closing obligations extending beyond 2 years, and that the public interest will be better served by permitting this additional time to satisfy the pre-closing obligations and dispose of the Property, the Mayor transmitted to the Council a request for approval of additional time for the disposition of the Property.

(b) The Council approves the additional time requested by the Mayor to dispose of the Property and extends the time period to dispose of the Property to February 7, 2028.

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-776

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency, due to congressional review, with respect to the need to limit the amount of a hardship petition conditional rent increase to 5% of the rent charged, require that a rent adjustment be repaid by a housing provider to a tenant within 21 days of a conditional increase being amended, and allow treble damages when a housing provider files a hardship petition in bad faith.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Rent Control Hardship Petition Limitation Congressional Review Emergency Declaration Resolution of 2014”.

Sec. 2. (a) Approximately 79,000 housing units are subject to the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3500 *et seq.*) (“Act”), accounting for 66% of the rental housing stock in the District.

(b) For units subject to the Act, annual rent increases are limited to a maximum of 10% for most tenants and 5% for seniors and individuals with disabilities.

(c) However, under the hardship petition process, a housing provider can apply to the Rent Administrator at the Department of Housing and Community Development to raise rents by more than the standard increase in order to achieve a 12% rate of return on the housing provider’s investment in the building.

(d) The hardship petition requires the housing provider to submit a schedule of income and expenses, which the Rent Administrator can use to calculate a new rent based on the 12% rate of return.

(e) If a hardship petition isn’t decided within 90 days, the housing provider may automatically start collecting the rent for which the housing provider originally applied.

(f) Hardship petitions are rarely decided within the 90-day time period, and consequently conditional increases are frequently granted that result in rent increases of 50% to 100%.

(g) These rent increases place a significant burden on low-income renters, increasing the likelihood of displacement.

(h) In one example, tenants of a building in Ward 7 were charged a 34% increase and were threatened with eviction if they did not pay. Tenants were forced to file a lawsuit challenging the increase based on numerous housing code violations and the dispute was

ENROLLED ORIGINAL

prolonged for more than 4 years, during which time the higher rents were paid into a Court-mandated escrow account to the satisfaction of neither side.

(i) Although a conditional increase may be reversed, it is often too late for tenants who have been displaced by rent increases that housing providers were ultimately not authorized to charge.

(j) More than 88 hardship petitions were filed between 2007 and 2013, significantly raising the rent on thousands of residents as a result.

(k) Without swift action by the Council to counter opportunities for abuse, additional tenants could be priced out of their homes.

(l) On October 7, 2014, the Council passed the Rent Control Hardship Petition Limitation Emergency Amendment Act of 2014, to accomplish the purpose set forth above. The emergency legislation expires January 5, 2015. The associated temporary legislation, the Rent Control Hardship Petition Limitation Temporary Amendment Act of 2014, has not completed its 30-day congressional review period required by 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)).

(m) This congressional review emergency is necessary to prevent an anticipated gap in the law due to congressional recess.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Rent Control Hardship Petition Limitation Congressional Review Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-777

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the Great Streets Neighborhood Retail Priority Areas Approval Resolution of 2007 to clarify the boundaries of the Ward 4 Georgia Avenue Priority Area.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Georgia Avenue Great Streets Neighborhood Retail Priority Area Congressional Review Emergency Declaration Resolution of 2014”.

Sec. 2. (a) In November 2009, at the request of the 14th Street Block Group, Councilmember Bowser, joined by then-Mayor Adrian Fenty, community stakeholders, and District government agencies, participated in a walk-through along the 14th Street, N.W., corridor from Spring Road to Longfellow Street to begin a strategy for improvements in this section of Ward 4.

(b) The community identified a number of needed safety improvements, including lights, crosswalks, intersections, and stop signs, as well as improvements needed for business façades, vacant properties, new businesses, transportation, and residential properties.

(c) The District’s Office of Planning, including Gizachew Andargeh, Malaika Abernathy, and Tarek Bolden, led a small area planning process with a variety of stakeholders, including Advisory Neighborhood Commissioners and civic leaders, property owners, business tenants, residents, and District government agencies, to determine how best to revitalize the corridor over the following 5 to 10 years.

(d) The community engagement process was extensive, with over 50 public meetings held.

(e) The following were active participants and key to the development of the Central 14th Street Vision Plan and Revitalization Strategy Plan: Advisory Neighborhood Commission 4C and 4A, 14th Street Block Group, 16th Street Heights Civic Association, Brightwood Community Association, Friends of 16th Street Heights Parks, Crestwood Civic Association, and business representatives such as members of the 14th Street Uptown Business Association.

(f) This 2 and a half year process resulted in a plan that provides guidance on land use, zoning, urban design, and connectivity and is intended to direct economic growth along 14th Street, N.W., by improving neighborhood retail choices and amenities, specifically targeting 3 distinct commercial nodes.

ENROLLED ORIGINAL

(g) On October 22, 2012, the Council held a public hearing, and on November 15, 2012, the plan was approved.

(h) To help implement the plan, the Council approved an expansion of the Georgia Avenue Retail Priority Area to include 2 of the 3 distinct commercial nodes, but the legislation inadvertently excluded the 3rd node.

(i) On October 17, 2014, the Council enacted the Georgia Avenue Great Streets Neighborhood Retail Priority Area Emergency Amendment Act of 2014, which accomplished the purpose set forth above. The emergency legislation expires January 6, 2015. The associated temporary legislation, the Georgia Avenue Great Streets Neighborhood Retail Priority Area Temporary Amendment Act of 2014, has not completed its 30-day congressional review period required by 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)).

(j) This congressional review emergency is necessary to prevent an anticipated gap in the law due to congressional recess.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Georgia Avenue Great Streets Neighborhood Retail Priority Area Congressional Review Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-778

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency with respect to the need to enact and amend various budget-related provisions of law.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Fiscal Year 2015 Budget Support Second Congressional Review Emergency Declaration Resolution of 2014”.

Sec. 2. (a) On June 24, 2014, the Council passed the Fiscal Year 2015 Budget Support Emergency Act of 2014, effective July 14, 2014 (D.C. Act 20-377; 61 DCR 7598). The act was vetoed by the Mayor on July 11, 2014, and the Council overrode the veto on July 14, 2014. Act 20-377 expired on October 12, 2014.

(b) On June 24, 2014, the Council also passed the Fiscal Year 2015 Budget Support Act of 2014, enacted on September 22, 2014 (D.C. Act 20-424; 61 DCR 9990). The Mayor returned that permanent legislation unsigned, and it is currently undergoing congressional review. It is unclear when the review period will end and, thus, when D.C. Act 20-424 will become law.

(c) On October 7, 2014, the Council passed the Fiscal Year 2015 Budget Support Congressional Review Emergency Act of 2014, effective October 10, 2014 (D.C. Act 20-449; 61 DCR 10915). The Mayor signed that congressional review emergency on October 10, 2014, and it is projected to expire on January 7, 2015.

(d) The congressional review period for the permanent legislation will create a gap in authority between Act 20-449 and D.C. Act 20-424. This gap must be avoided for the proper implementation and balancing of the Fiscal Year 2015 Budget and Financial Plan.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2015 Budget Support Second Congressional Review Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-779

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency with respect to the need to amend the Fiscal Year 2015 Budget Support Act of 2014 to clarify provisions supporting the Fiscal Year 2015 budget.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2015 Budget Support Clarification Congressional Review Emergency Declaration Resolution of 2014".

Sec. 2. (a) On June 24, 2014, the Council also passed the Fiscal Year 2015 Budget Support Act of 2014, enacted on September 23, 2014 (D.C. Act 20-424; 61 DCR 9990). The Mayor returned that permanent legislation unsigned, and it is currently undergoing congressional review.

(b) On October 7, 2014, the Council passed the Fiscal Year 2015 Budget Support Clarification Emergency Amendment Act of 2014, effective November 6, 2014 (D.C. Act 20-461; 61 DCR 11784). The Mayor returned that legislation unsigned, and it is projected to expire on February 4, 2015. It is also projected to be overridden by D.C. Act 20-424, once D.C. Act 20-424 becomes law.

(c) On October 28, 2014, the Council also passed the Fiscal Year 2015 Budget Support Clarification Temporary Amendment Act of 2014, passed on 2nd reading on October 7, 2014 (Enrolled version of Bill 20-958). That legislation has been transmitted to the Mayor.

(d) The congressional review period for the temporary legislation, and the pending end of the review period for D.C. Act 20-424, will create a gap in authority between D.C. Act 20-461 and Bill 20-958. This gap must be avoided for the proper implementation and balancing of the Fiscal Year 2015 Budget and Financial Plan.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2015 Budget Support Clarification Congressional Review Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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

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

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

COUNCIL OF THE DISTRICT OF COLUMBIA**PROPOSED LEGISLATION****BILL**

B21-69 Construction Codes Harmonization Amendment Act of 2015

Intro. 2-9-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

PROPOSED RESOLUTIONS

PR21-48 Medicaid Reimbursement for Increased Primary Care Service Payment
Approval Resolution of 2015

Intro. 2-6-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health and Human Services

PR21-49 Medicaid Reimbursement Methodology for School Based Health Services State
Plan Amendment Approval Resolution of 2015

Intro. 2-6-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health and Human Services with comments from the Committee on Education

PR21-51

Director of the Department of Employment Services Deborah
Carroll Confirmation Resolution of 2015

Intro. 2-9-15 by Chairman Mendelson at the request of the Mayor and
referred to the Committee on Business, Consumer, and Regulatory Affairs

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

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Suite 119 Washington, DC 20004

**Councilmember Vincent B. Orange, Sr., Chairperson
Committee on Business, Consumer, and Regulatory Affairs
Announces a Public Roundtable
on**

- **PR21-051, the “Director of the Department of Employment Services Deborah Carroll Confirmation Resolution of 2015”**

**Wednesday, February 25, 2015, 10:00 A.M.
JOHN A. WILSON BUILDING, ROOM 123
1350 PENNSYLVANIA AVENUE, N.W.
Washington, DC 20004**

Councilmember Vincent B. Orange, Sr. announces the scheduling of a public roundtable by the Committee on Business, Consumer, and Regulatory Affairs on PR21-051, the “Director of the Department of Employment Services Deborah Carroll Confirmation Resolution of 2015”. The public roundtable is scheduled for Wednesday, February 25, 2015 at 10:00 a.m. in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, DC 20004.

Individuals and representatives of organizations who wish to testify at the public roundtable are asked to contact Ms. Faye Caldwell, Special Assistant to the Committee on Business, Consumer, and Regulatory Affairs, at (202) 727-6683, or via e-mail at fcaldwell@dccouncil.us and furnish their name, address, telephone number, e-mail address and organizational affiliation, if any, by the close of business Monday, February 23, 2015. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Wednesday, March 11, 2015. Copies of written statements should be submitted to the Committee on Business, Consumer, and Regulatory Affairs, Council of the District of Columbia, Suite 119 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

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

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

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

Reprog. 21-11: Request to reprogram \$4,374,558 of Fiscal Year 2015 Special Revenue funds budget authority within the Office of the Deputy Mayor for Planning and Economic Development (DMPED) was filed in the Office of the Secretary on February 10, 2015. This reprogramming ensures that DMPED is able to fund several of its mission-critical initiatives, which are part of the Mayor's five-year economic development plan.

RECEIVED: 14 day review begins February 11, 2015

Reprog. 21-12: Request to reprogram \$5,202,504 of Fiscal Year 2015 Local funds budget authority from the Department of Health Care Finance (DHCF) to the Department of Employment Services (DOES) was filed in the Office of the Secretary on February 13, 2015. This reprogramming provides additional funding for the District's Summer Youth Employment and Year-Round Youth programs. The funds will allow youth ages 22 to 24 to participate, increase wages for youth aged 16 to 21, and provide a transportation subsidy for all participants.

RECEIVED: 14 day review begins February 18, 2015

Reprog. 21-13

Request to reprogram \$8,758,007 of Fiscal Year 2015 Local funds budget authority within the District of Columbia Public Schools (DCPS) was filed in the Office of the Secretary on February 13, 2015. This reprogramming ensures that DCPS' budget is properly aligned to accommodate shifts in priorities because of increased class sizes, includes at-risk funding, and supports DCPS initiatives.

RECEIVED: 14 day review begins February 18, 2015

Reprog. 21-14

Request to reprogram \$4,517,621 of Fiscal Year 2015 Local funds budget authority within the Office of the Deputy Mayor for Planning and Economic Development (DMPED) was filed in the Office of the Secretary on February 13, 2015. This reprogramming ensures that DMPED is able to fund several of its mission-critical initiatives, which are part of the Mayor's five-year economic development plan.

RECEIVED: 14 day review begins February 18, 2015

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

Posting Date: February 20, 2015
Petition Date: April 6, 2015
Hearing Date: April 20, 2015
Protest Hearing: July 1, 2015

License No.: ABRA-097699
Licensee: Bacaro 8 Street, LLC
Trade Name: Bacaro
License Class: Retailer's Class "C" Restaurant
Address: 1402 8th Street, N.W.
Contact: Andrew Kline: 202 686-7600

WARD 6

ANC 6E

SMD 6E01

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, 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 1:30pm on July 1, 2015.

NATURE OF OPERATION

New Restaurant serving modern American food. No entertainment. No dancing. Total occupancy load of 65.

HOURS OF OPERATON

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

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: February 20, 2015
Petition Date: April 6, 2015
Hearing Date: April 20, 2015
License No.: ABRA-075139
Licensee: Keum Soo's Food, Inc.
Trade Name: Best DC Supermarket
License Class: Retailer's Class "B" Grocery
Address: 1507 U Street, N.W.
Contact: Keum Soo Kim: 202-265-9110

WARD 1 ANC 1B SMD 1B12

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

LICENSEE REQUESTS THE FOLLOWING SUBSTANTIAL CHANGE TO ITS NATURE OF OPERATIONS:

Request a class change from Class "B" to Class "A."

HOURS OF OPERATION

Sunday 8am- 9pm, Monday through Saturday 8am- 10pm

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday 9am- 9pm, Monday through Saturday 9am- 10pm

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

Posting Date: February 20, 2015
Petition Date: April 6, 2015
Hearing Date: April 20, 2015

License No.: ABRA-096001
Licensee: Bon Appetit Management Co.
Trade Name: Bulldog Tavern
License Class: Retailer's Class "C" Restaurant
Address: 3700 O Street, N.W.
Contact: Derek Nottingham: 202-687-6302

WARD 2

ANC 2E

SMD 2E08

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 performance, trivia, karaoke, poetry readings, comedy, and vocal performances.

CURRENT HOURS OF OPERATION

Sunday through Wednesday 11 am – 1 am, Thursday 11 am – 2am and Friday & Saturday 11 am - 3 am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday 12 pm – 1 am, Monday through Wednesday 11 am – 1 am, Thursday 11 am – 2 am and Friday & Saturday 11 am – 3 am

CURRENT HOURS OF OPERATION FOR SUMMER GARDEN

Sunday through Wednesday 11 am – 11 pm, Thursday through Saturday 11 am – 12 am

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

Sunday 12 pm – 11 pm, Monday through Wednesday 11 am – 11 pm, Thursday through Saturday 11 am – 12 pm

HOURS OF LIVE ENTERTAINMENT BEGINNING AFTER 6:00 PM

Sunday through Saturday 8 pm – 12:30 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**CORRECTION

Posting Date: January 30, 2015
Petition Date: March 16, 2015
Roll Call Hearing Date: March 30, 2015

License No.: ABRA-096103
Licensee: HBGT, LLC
Trade Name: Chez Billy Sud
License Class: Retailer's Class "C" Restaurant
Address: 1039 31st Street, N.W.
Contact: Candace M. Fitch: 202-258-8624

WARD 2

ANC 2E

SMD 2E05

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

NATURE OF SUBSTANTIAL CHANGE:

Request is for an expansion from 1039 31st Street, N.W. to 1035 31st Street, N.W. The seating capacity in this expanded space is 60 with a total occupancy load of 90.

APPROVED HOURS OF OPERATION INSIDE PREMISES

Sunday through Thursday 7 am - 1 am, Friday & Saturday 7 am - 2 am

APPROVED HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION INSIDE PREMISES

Sunday 10 am - 12 am, Monday through Thursday 11:30 am - 12 am, Friday 11:30 am - 2 am, Saturday 10 am - 2 am

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

Sunday 9 am - 12 am, Monday through Thursday 8 am - 12 am, Friday 8 am - 1 am, Saturday 9 am - 1 am

HOURS OF LIVE ENTERTAINMENT**

Monday, Tuesday and Thursday 7 pm - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Posting Date: February 13, 2015
 Petition Date: March 30, 2015
 Hearing Date: April 13, 2015
 Protest Hearing Date: June 24, 2015

License No.: ABRA-097742
 Licensee: Topo Atrio, LLC
 Trade Name: Jose
 License Class: Retailer’s Class “C” Restaurant
 Address: 1100 Pennsylvania Avenue, N.W.
 Contact: Kayla Brown: 407-506-0514

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 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 June 24, 2015 at 1:30 pm.

NATURE OF OPERATION

An upscale restaurant offering a Spanish-themed menu which includes the sale of beer, wine, and spirits for consumption on the premises. No entertainment. No nude performances. No dancing. Seating for 212 and total occupancy load of 262.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Saturday 11 am – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: February 20, 2015
 Petition Date: April 6, 2015
 Hearing Date: April 20, 2015
 Protest Hearing Date: July 1, 2015

License No.: ABRA-097742
 Licensee: Topo Atrio, LLC
 Trade Name: Jose
 License Class: Retailer’s Class “C” Restaurant
 Address: 1100 Pennsylvania Avenue, N.W.
 Contact: Kayla Brown: 407-506-0514

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 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 June 24, 2015 at 4:30 pm.

NATURE OF OPERATION

An upscale restaurant offering a Spanish-themed menu which includes the sale of beer, wine, and spirits for consumption on the premises. No entertainment. No nude performances. No dancing. Seating for 212 and total occupancy load of 262.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Saturday 11 am – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

2/20/2015

Notice is hereby given that:

License Number: ABRA-097721

License Class/Type: B Retail - Class

Applicant: LeDroit Market, Inc.

Trade Name: Ledroit Market

ANC: 1B01

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

1901 4TH ST NW, WASHINGTON, DC 20001

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

4/6/2015

HEARING WILL BE HELD ON

4/20/2015

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

ENDORSEMENTS: Tasting

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7:30am - 10pm	9am -10pm	-
Monday:	7:30am - 10pm	9am - 10pm	-
Tuesday:	7:30am - 10pm	9am - 10pm	-
Wednesday:	7:30am - 10pm	9am - 10pm	-
Thursday:	7:30am - 10pm	9am - 10pm	-
Friday:	7:30am - 10pm	9am - 10pm	-
Saturday:	7:30am - 10pm	9am - 10pm	-

FOR FURTHER INFORMATION CALL (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: February 20, 2015
Petition Date: April 6, 2015
Hearing Date: April 20, 2015
Protest Date: July 1, 2015
License No.: ABRA-077812
Licensee: TGR, Inc.
Trade Name: Look
License Class: Retailer's Class "C" Restaurant
Address: 1909 K Street, N.W.
Contact: Erin Sharkey: 202.686.7600

WARD 2 ANC 2B SMD 2B06

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. The Protest Hearing Date is scheduled for July 1, 2015 at 1:30 pm.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests a class change from Class "C" Restaurant to Class "C" Tavern.

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

Sunday through Thursday 11:30 am - 2am and Friday & Saturday 11:30 am - 3 am

HOURS OF LIVE ENTERTAINMENT

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

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

Sunday 5 pm - 11 pm, Monday through Friday 11 am - 11 pm, and Saturday 5 pm - 11 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: February 20, 2015
Petition Date: April 6, 2015
Hearing Date: April 20, 2015
Protest Hearing: July 1, 2015

License No.: ABRA-097803
Licensee: States & Letters Restaurant, LLC
Trade Name: The Dabney
License Class: Retailer's Class "C" Restaurant
Address: 1216-1226 9th Street, N.W.
Contact: Stephen O'Brien: 202 625-7700

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 hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 4:30pm on July 1, 2015.

NATURE OF OPERATION

New full-service restaurant serving American food. Recorded music. Occasional live entertainment for private events only. Total occupancy load of 180. Summer Garden with 18 seats.

HOURS OF OPERATON AND ALCOHOLIC BEVERAGE

SALES/SERVICE/CONSUMPTION

Sunday through Saturday 8am - 1 am

HOURS OF OPERATON AND ALCOHOLIC BEVERAGE

SALES/SERVICE/CONSUMPTION FOR SUMMER GARDEN

Sunday through Saturday 8am - 12 am

GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT ON DISABILITY SERVICES

NOTICE OF PUBLIC HEARING**D.C. Department on Disability Services, Rehabilitation Services Administration,
Public Hearing on Proposed Policies and Procedures**

Wednesday, March 25, 2015, 1:00 pm to 4:00 pm
D.C. Department on Disability Services
Rehabilitation Services Administration
1125 15th Street, NW, 1st Floor Conference Room
Washington, DC 20005

Pursuant to the Rehabilitation Act of 1973, as amended, and its implementing federal regulations, the D.C. Department on Disability Services, Rehabilitation Services Administration (RSA), will hold a public hearing on **Wednesday, March 25, 2015**, to obtain input on the following proposed, new or revised RSA policies and procedures:

- **Post-Secondary Policy and Procedures;**
- **Self-Employment Policy and Procedures;**
- **Maintenance Policy; and**
- **Rates of Payment for Vocational Rehabilitation Services Policy.**

The policies and procedures are available for review in accessible format on the Agency's website at www.dds.dc.gov.

Persons who wish to testify at the public hearing on March 25, 2015, should contact Ms. Linda Grimes, not later than 4:45 pm on **Monday, March 23, 2015**, and should provide the following information: name; address; telephone number; organizational affiliations; and two (2) copies of the proposed testimony. Ms. Grimes may be contacted by email at linda.grimes@dc.gov; by telephone at 202-442-8670; or by Relay at 711. All testimonies will be limited to ten (10) minutes.

Persons who require accommodations to participate in the public hearing should contact Ms. Linda Grimes by email at linda.grimes@dc.gov; by telephone at 202-442-8670; or by Relay at 711.

The public will have until 5:00 pm on Wednesday, April 8, 2015, to submit written comments on the RSA policies and procedures. Comments may be submitted by U.S. Postal Service or by email to: Ms. Linda Grimes, Administrative Assistant, D.C. Department on Disability Services, Rehabilitation Services Administration, 1125 15th Street, NW, 9th Floor, Washington, DC 20005, or linda.grimes@dc.gov. Questions may be directed to Ms. Grimes during regular business hours, Monday through Friday, 8:15 am – 4:45 pm.

HISTORIC PRESERVATION REVIEW BOARD**NOTICE OF PUBLIC HEARING**

The D.C. Historic Preservation Review Board will hold a public hearing to consider applications to designate the following properties as historic landmarks in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the properties to the National Register of Historic Places:

**Case No. 13-01: Corcoran Gallery of Art amendment to designate the interior
1700 New York Avenue/500 17th Street/1701 E Street NW
Square 171, Lot 34 (Lot 814 and part of Lot 815)
Affected Advisory Neighborhood Commission: 2A**

**Case No. 15-04: 16 Grant Circle NW
Square 3244, Lot 801
Applicant: The Off Boundary Preservation Brigade
Affected Advisory Neighborhood Commission: 4C**

The hearing will take place at **9:00 a.m. on Thursday, March 26, 2015**, at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2). A copy of the rules can be obtained from the Historic Preservation Office at 1100 4th Street, SW, Suite E650, Washington, DC 20024, or by phone at (202) 442-8800, and they are included in the preservation regulations which can be found on the Historic Preservation Office website.

The Board's hearing is open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the Historic Preservation Office.

For each property, a copy of the historic landmark application is currently on file and available for inspection. A copy of the staff report and recommendation will be available at the office five days prior to the hearing. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates the property, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District or Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

For further information, contact Tim Dennee, Landmarks Coordinator, at 202-442-8847.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, APRIL 7, 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 SEVEN

18969
ANC-7F **Application of Edward G. Fisher M.D.**, pursuant to 11 DCMR § 3104.1, for a special exception from the non-profit organizations requirements under § 217.1, to operate a non-profit organization on the second floor of an existing building in the R-3 District at premises 3536 Minnesota Avenue S.E. (Square 5419, Lot 22).

WARD THREE

18970
ANC-3D **Application of Nam Dinh Pham**, pursuant to 11 DCMR § 3104.1 for a special exception under § 223, not meeting the rear yard setback requirements under § 404.1, to allow the construction of an addition to an existing single-family dwelling in the WH/R-1-A District at premises 2903 44th Street N.W. (Square 1620, Lot 85).

WARD SIX

18971
ANC-6B **Application of Nicholas Nowak**, pursuant to 11 DCMR § 3103.2, for variances from the lot occupancy requirements under § 403, the open court requirements under § 406, and the non-conforming structure requirements under § 2001.3, to allow the construction of a rear addition to an existing single-family dwelling in the R-4 District at premises 317 9th Street S.E. (Square 924, Lot 817).

WARD SEVEN

18972
ANC-7F **Application of Greenway Apartments L.P.**, pursuant to 11 DCMR §§ 3103.2 and 3104.1, for a variance from the loading requirements under § 2201.1, and a special exception from the new residential developments requirements under § 353, to construct a new residential development consisting of 69-72 multi-family rental housing units for seniors in the R-5-A District at premises 3605-3615 Minnesota Avenue S.E. (Square 5410, Lot 800).

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WARD FIVE

18975 **Application of scratch LLC**, pursuant to 11 DCMR § 3104.1, for a special
ANC-5C exception from the roof structures requirements under § 411.3, to allow the
 screening of proposed rooftop mechanical equipment for a proposed food
 manufacturing use in the C-M-1 District at premises 2619 Evarts Street N.E.
 (Square 4348, Lot 4).

**THIS APPLICATION WAS POSTPONED FROM THE PUBLIC HEARING OF
FEBRUARY 10, 2015:****WARD SIX**

18915 **Application of Aminta, LLC**, pursuant to 11 DCMR § 3103.2, for variances
ANC-6B from the floor area requirements under § 771.2, the lot occupancy requirements
 under § 772.1, and the off-street parking requirements under § 2101.1, to allow
 the construction of a mixed-use residential structure with ground floor retail in
 the C-2-A District at premises 1330-1336 Pennsylvania Avenue, S.E. (Square
 1044, Lots 29 and 802).

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.

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

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

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

TIME AND PLACE: **Monday, April 6, 2015, @ 6:30 P.M. – 1st Case**
 Jerrily R. Kress Memorial Hearing Room
 441 4th Street, N.W. Suite 220-S
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 08-06B (Office of Zoning - Text Amendment to 11 DCMR, Subtitles Y and Z to Establish Board of Zoning Adjustment and Zoning Commission Fees)

THIS CASE IS OF INTEREST TO ALL ANCs

At the December 11, 2014 public meeting held by the Zoning Commission, the Office of Zoning (“OZ”) requested that it be allowed to commence a proceeding under the Zoning Regulations Review case, Case No. 08-06A, to establish the fees for the Board of Zoning Adjustment and the Zoning Commission applicable to the various types of proceedings described in the revised Title 11 for which the Commission took proposed action at that same meeting. The actual fees were left blank in the version of the revised title before the Commission. The purpose of this proceeding is the fill in the blanks. If the Commission takes proposed action as to this proceeding, the fees proposed would be incorporated into the final version of the revised Title 11 and considered by the Commission at the time it considers taking final action on the entire title. OZ further requested that the proceeding be permitted to be advertised without a setdown procedure per § 3011.3. The Commission agreed to waive setdown.

The vast majority of the fees are those that presently exist, although a few additional fees have been added for several new special exceptions that will be available under the revised Title 11. Those new fees were based upon the present fee structure. As an alternative, the Office of Zoning is proposing that the all the fee amounts that follow should be three percent (3%) greater than the amount stated.

Title 11 DCMR (Zoning) is proposed to be amended as follows:

Create new Chapter 16, Fees in Title 11, Subtitle B:

1600 **FILING FEES FOR APPLICATIONS AND APPEALS**

1600.1 Except as provided in Y §§ 1600.2 and 1600.3, at the time of filing an appeal or application with the Board of Zoning Adjustment, the appellant or applicant shall pay a filing fee in accordance with the following schedule:

- (a) Appeal of any decision of the Zoning Administrator or other administrative officer, one thousand forty dollars (\$1,040), except that the following appellants shall not be required to pay a filing fee:

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- (1) A department, office, or agency of the Government of the District of Columbia, including an Advisory Neighborhood Commission (ANC);
 - (2) The National Capital Planning Commission; and
 - (3) A citizens' association or association created for civic purposes that is not for profit; and
- (b) Application for a special exception:
- (1) Accessory apartment, three hundred twenty-five dollars (\$325);
 - (2) Antenna or monopole, two thousand six-hundred dollars (\$2,600); and
 - (3) Chancery application for permission to locate, replace, or expand a chancery not meeting the conditions for a matter of right use, sixty-five dollars (\$65) for each one hundred square feet (100 sq. ft.) or part thereof of gross floor area;
 - (4) Community-based institutional facility or emergency shelter, one hundred four dollars (\$104) for each person housed based on the maximum capacity requested (not including resident supervisors and their families), with a maximum of five thousand two hundred dollars (\$5,200);
 - (5) Continuing care retirement community, one hundred four dollars (\$104) for each person housed based on the maximum capacity requested (not including resident supervisors and their families), with a maximum of five thousand two hundred dollars (\$5,200);
 - (6) Daytime care use, thirty-three dollars (\$33) for each individual based on the maximum capacity requested, with a maximum of three thousand two hundred fifty dollars (\$3,250);
 - (7) Gasoline service station, five thousand two hundred dollars (\$5,200);
 - (8) General institutional uses, one thousand five hundred sixty dollars (\$1,560);

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- (9) Health care facility that houses individuals, thirty-three dollars (\$33) for each person housed based on the maximum capacity requested (not including resident supervisors and their families), with a maximum of three thousand two hundred fifty dollars (\$3,250);
- (10) Home occupation not permitted as a matter-of-right in the R, RF, or RA zones, one thousand five hundred sixty dollars (\$1,560);
- (11) Large format retail, five thousand two hundred dollars (\$5,200);
- (12) Lodging, for any number of rooms, one hundred four dollars (\$104) for each sleeping room or suite;
- (13) Office use in an MU-1 or MU-2 zone, for each one hundred square feet (100 sq. ft.) or part thereof of gross floor area, fifty-two dollars (\$52);
- (14) Parking lot, parking garage, or accessory parking, one hundred four dollars (\$104) for each parking space;
- (15) Private school, thirty-three dollars (\$33) for each full-time or part-time student based on the maximum capacity requested, with a maximum of three thousand two hundred fifty dollars (\$3,250);
- (16) Production, distribution, and repair uses, five thousand two hundred dollars (\$5,200);
- (17) Religious institutional uses or programs conducted by a religious congregation or group of congregations, one thousand five hundred sixty dollars (\$1,560);
- (18) Repair garage, one thousand five hundred sixty dollars (\$1,560);
- (19) Residential development, new, except those comprising all one-family detached and semi-detached dwellings in the RA-1 and RA-6 zones pursuant to U § 421.1, five hundred forty dollars (\$540) for each dwelling unit;
- (20) Roof structures pursuant to C § 1500.14, two thousand six hundred dollars (\$2,600);

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- (21) Theoretical lot pursuant to § C § 305.1, one thousand five hundred sixty dollars (\$1,560) for the first lot and five hundred twenty dollars (\$520) for each lot thereafter;
 - (22) Warehouse or wholesale use, five thousand two hundred dollars (\$5,200);
 - (23) Waste-related services, including, but not limited to, hazardous waste removal, automobile repair shop including body work within two hundred feet (200 ft.) of a residential zone, and an intermediate materials recycling facility, five thousand two hundred dollars (\$5,200); and
 - (24) For any other special exception not listed in this section, one thousand five hundred sixty dollars (\$1,560);
- (c) Application for a variance, one thousand forty dollars (\$1,040) for each provision of the Zoning Regulations from which a variance is requested;
 - (d) Owner-occupied one-family dwelling or flat, regardless of the number of variances, special exceptions, or alternatives requested, three hundred twenty-five dollars (\$325);
 - (e) For a time extension, a modification of a Board order or approved plans whether the modification is minor or not, for the owner of an owner-occupied one-family dwelling or flat, one hundred thirty dollars (\$130); for all other applicants, twenty-six percent (26%) of the original filing fee.

1600.2 In the case of an application combining two (2) or more actions described in Y §§ 1600.1(b) and 1600.1(c), or for an application requesting consideration of more than one (1) alternative, the fee shall be the total of the amounts for each action or alternative computed separately.

1600.3 A department, office, or agency of the Government of the District of Columbia shall not be required to pay a filing fee for a special exception or variance where the property is owned by the District of Columbia or that agency or is under one (1) or both of their jurisdictions and the property is to be occupied for a government building or use.

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TABLE Y § 1600 – SCHEDULE OF FILING FEES

SPECIAL EXCEPTIONS			
Case Type	Unit	Fee	Maximum
Accessory apartment		\$325	
Antenna or monopole		\$2,600	
Chancery	per 100 sq. ft.	\$65	
Community-based institutional facility or emergency shelter	per person	\$104	\$5,200
Continuing care retirement community	per person	\$104	\$5,200
Daytime care use	per student	\$33	\$3,250
Gasoline service station		\$5,200	
General institutional uses		\$1,560	
Health care facility	per person	\$104	\$6,000
Home occupation		\$1,560	
Large format retail		\$5,200	
Lodging	per room or suite	\$104	
Office use in MU-1 or MU-2 zone	per 100 sq. ft.	\$52	
Owner-occupied dwelling		\$325	
Parking lot, parking garage, or accessory parking	per space	\$104	
Private school	per student	\$33	\$3,250
Production, distribution, and repair pursuant to U § 802.1(e)		\$5,200	
Religious institutional uses		\$1,560	
Repair garage		\$1,560	
Residential development pursuant to U § 421.1	each dwelling unit	\$540	
Roof structures pursuant to C § 1500.14		\$2,600	
Special exception (all other)		\$1,560	
Theoretical lot pursuant to C § 305.1		\$1,560	
Additional Theoretical Lot Under C § 305.1		\$520	
Time extension,/minor and non-minor modification (owner-occupied)		\$130	
Time extension/minor and non-minor modification (all others)		26%	
Warehouse or wholesale use		\$5,200	
Waste-related services		\$5,200	
Property owned or under jurisdiction of District or District and to be occupied for a government building or use		\$0	

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VARIANCES			
Case Type	Unit	Fee	Maximum
Variance (owner-occupied dwelling)		\$325	
Variance (property owned or under jurisdiction of the District or a District agency to be occupied for a government building or use.)		\$0	
Variance (all other)		\$1,040	
APPEALS			
Case Type	Unit	Fee	Maximum
NCPC/ANCs/Citizens Association/Civic Association/Not-for-Profits		\$0	
All other organizations, groups or persons		\$1,040	

1601 MISCELLANEOUS FEES

1601.1 Fees for miscellaneous zoning services and documents provided by the Office of Zoning are as follows:

- (a) The fee for providing a zoning certification is fifty dollars (\$50) for each property certified;
- (b) The fee for photocopying is twenty cents (.20¢) per page;
- (c) The fee for providing certification of an exhibit from a case record shall be fifteen dollars (\$15) for each exhibit certified; and
- (d) The fee for retrieving Office of Zoning records located off-site is thirty-two dollars (\$32) per each request for retrieval of up to five (5) case files. This fee will be waived when the records are sought for noncommercial use and the request is made by an educational or scientific institution for scholarly or scientific research or by a representative of the news media. The Office of Zoning may not require advance payment of the fee unless the requester has previously failed to pay fees in a timely fashion.

TABLE Y § 1601 – SCHEDULE OF MISCELLANEOUS FEES

Service	Fee
Zoning Certification	\$50.00
Photocopying	\$ 0.20
Certification of Exhibit	\$15.00
Retrieval of Records (located off-site)	\$32.00

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1602 ADMINISTRATION OF BOARD AND MISCELLANEOUS FEES

- 1602.1 The Director shall be responsible for administering, interpreting, and applying the terms of the fee schedule in Y §§ 1600.1 and 1601.1.
- 1602.2 All fees shall be paid by check or money order made payable to the D.C. Treasurer, or by credit card where indicated by the Office of Zoning.
- 1602.3 The Director shall conduct a review of the fee structure triennially and make recommendations for changes to the Zoning Commission.
- 1602.4 Any decision of the Director regarding the application of the fee schedule set forth in 1600.1 may be appealed to the Board by the appellant or applicant. The fee appeal shall be in writing and set forth specifically the error allegedly committed by the Director, the grounds for the appeal, and the relief requested.
- 1602.5 The Board shall decide the fee appeal at a meeting. The Board's decision shall be communicated by the Director to the Applicant in writing. No request for reconsideration of the Board's decision shall be accepted and the Board may not waive this prohibition.
- 1602.6 Once a filing fee has been submitted, it will not be refunded except that the Board may authorize the refund by the District of Columbia Treasurer of all or a portion of the filing fee if it finds that the application was incorrectly filed at the direction of the Zoning Administrator.

Create new Chapter 16, Fees in Title 11, Subtitle Z:

1600 FILING FEES

- 1600.1 At the time of filing a petition for a rulemaking map amendment, the petitioner shall pay a filing fee of three hundred twenty-five dollars (\$325).
- 1600.2 At the time of filing a petition for an amendment to the text of the Zoning Regulations, the petitioner shall pay a filing fee of three hundred twenty-five dollars (\$325).
- 1600.3 At the time of filing an application for approval of a planned unit development (PUD), contested case map amendment, air space development, the applicant shall pay a filing fee of six hundred fifty dollars (\$650).
- 1600.4 At the time of filing an application for a modification to an approved PUD, air space development, the applicant shall pay a filing fee of five hundred twenty dollars (\$520).

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- 1600.5 At the time of filing an application for a college or university use, the applicant shall pay a filing fee of six thousand five hundred dollars (\$6,500) for the processing a new or revised campus plan, and three thousand two hundred fifty dollars (\$3,250) for review of a specific building or use within an approved plan.
- 1600.6 At the time of filing an application for approval of a required design review, the applicant shall pay the following filing fee:
- (a) For each one hundred square feet (100 sq. ft.) of gross floor area or part thereof included in the application devoted to dwelling units, and the immediate area needed to serve that dwelling unit, seven dollars (\$7), with a maximum of sixty-five thousand dollars (\$65,000);
 - (b) For each one hundred square feet (100 sq. ft.) of gross floor area or part thereof included in the application devoted to any use other than a dwelling unit and the immediate area needed to serve that dwelling unit, thirteen dollars (\$13); and
 - (c) In the case of an application that combines dwelling units and other uses, the fee shall be the total of the amounts for each use computed separately.
- 1600.7 At the time of filing an application for approval of a voluntary design review, the applicant shall pay a filing fee of two thousand dollars (\$2,000).
- 1600.8 At the time of filing an application for a modification to an approved required design review, the applicant shall pay a filing fee of twenty-six percent (26%) of the original filing or one thousand three hundred dollars (\$1,300), whichever is greater.
- 1600.9 At the time of filing an application for a modification to an approved voluntary design review, the applicant shall pay a filing fee of fifteen hundred dollars (\$1,500).
- 1600.10 At the time of filing a request for approval of an extension of time to the validity of a Zoning Commission order, the applicant shall pay a filing fee of five hundred twenty dollars (\$520).
- 1600.11 Fees for any additional relief for special exception or variance will be assessed pursuant to Subtitle Y § 1600 – Schedule of Filing Fees.

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TABLE Z § 1600 – SCHEDULE OF FILING FEES

Case Type	Fee	Maximum
Map amendment by rulemaking	\$325	
Text amendment	\$325	
Planned unit development (PUD), contested case map amendment, air space development	\$650	
Modification to an approved PUD, air space development	\$520	
Extension of time to the validity of an order for an approved design review or PUD	\$520	
College or university – new or revised campus plan	\$6,500	
College or university – review of a building or use w/in an approved plan	\$3,250	
Design review (voluntary)	\$2,000	
Design review (required)		
For each one hundred square feet (100 sq. ft.) of gross floor area or part thereof included in the application devoted to dwelling units, and the immediate area needed to serve that dwelling unit	\$ 7/100 sq. ft.	\$65,000
For each one hundred square feet (100 sq. ft.) of gross floor area or part thereof included in the application devoted to any use other than a dwelling unit and the immediate area needed to serve that dwelling unit	\$13/100 sq. ft.	
Modification to approved design review		
Voluntary	\$1,500	\$1,500
Required	26% of the original hearing fee or \$1,300, whichever is greater	

1601 HEARING FEES

1601.1 If the Commission schedules a public hearing on an application or petition for an amendment to the Zoning Map, prior to advertisement of the hearing, the applicant or petitioner shall pay a hearing fee in accordance with the following schedule:

- (a) For a map amendment to any R-1 through R-3, R-6 through R-17, or R-19 through R-21 zone, for each forty-three thousand five hundred and sixty square feet (43,560 sq. ft.) or part of that area, six hundred fifty dollars (\$650);
- (b) For a map amendment to any RF-1 through RF-3 zone and RA-1 or RA-6 zone, for each forty-three thousand five hundred and sixty square feet (43,560 s.f.) or part of that area, one thousand six hundred twenty-five dollars (\$1,625);
- (c) For a map amendment to any RA-2, RA-7, RA-8, or RC-1 zone, for each forty-three thousand five hundred and sixty square feet (43,560 s.f.) or part of that area, three thousand two hundred fifty dollars (\$3,250);

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- (d) For a map amendment to any RA-3 through RA-5, RA-9, RA-10, D-1-R, SEFC-2, SEFC-3, or CG-1 zone, for each forty-three thousand five hundred and sixty square feet (43,560 s.f.) or part of that area, six thousand five hundred dollars (\$6,500);
- (e) For a map amendment to any MU-1, MU-2, MU-10 through MU-16, MU-22, MU-23, MU-29, D-2, SEFC-1, SEFC-4, CG4 through CG-7, and ARTS-4 zone, for each ten thousand square feet (10,000 sq. ft.) or part of that area, two thousand six hundred dollars (\$2,600);
- (f) For a map amendment to any MU-3 through MU-6, MU-17 through MU-19, MU-24 through MU-27, NC-1 through NC-5, NC-7, NC-9 through NC-11, NC-14, NC-16, NC-17, D-4-R, CG-2, ARTS-1, ARTS-2, RC-2 and RC-3 zone, for each ten thousand square feet (10,000 sq. ft.) or part of that area, one thousand six hundred twenty-five dollars (\$1,625);
- (g) For a map amendment to any MU-7 through MU-9, MU-20, MU-21, MU-28, NC-6, NC-8, NC-12, NC-13, NC-15, D-3 through D-5, D-5-R, D-6, D-6-R, D-7, D-8, CG-3, and ARTS-3 zone, for each ten thousand square feet (10,000 sq. ft.) or part of that area, three thousand two hundred fifty dollars (\$3,250);
- (h) For a map amendment to any PDR-1 through PDR-7 zone, for each twenty thousand square feet (20,000 s.f.) or part of that area, two thousand six hundred dollars (\$2,600);
- (i) The maximum hearing fee for a map amendment listed in §§ 1601.1(a) through (d) shall be sixty-five thousand dollars (\$65,000); and
- (j) For an application or petition that proposes a map amendment to more than one (1) zone or is in the alternative, the fee shall be the total of the amounts for the area devoted to each proposed district or alternative computed separately.

1601.2 An applicant or petitioner shall not be required to pay a hearing fee for any alternative districts added by the Commission at the time it sets the case for hearing.

1601.3 If the Commission schedules a public hearing on a petition for an amendment to the text of the Zoning Regulations, prior to the advertisement of the hearing, the petitioner shall pay a hearing fee of three hundred twenty-five dollars (\$325) for each section of this title proposed to be added, deleted, or amended, with a maximum hearing fee of one thousand three hundred dollars (\$1,300).

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- 1601.4 If the Commission schedules a public hearing on an application for approval of a PUD or air space development, prior to the advertisement of the hearing, the applicant shall pay a hearing fee in accordance with the following schedule:
- (a) For each one hundred square feet (100 sq. ft.) of gross floor area or part thereof included in the application devoted to dwelling units, and the immediate area needed to serve that dwelling unit, seven dollars (\$7), with a maximum of sixty-five thousand dollars (\$65,000);
 - (b) For each one hundred square feet (100 sq. ft.) of gross floor area or part thereof included in the application devoted to any use other than a dwelling unit and the immediate area needed to serve that dwelling unit, thirteen dollars (\$13);
 - (c) In the case of an application that combines dwelling units and other uses, the fee shall be the total of the amounts for each use computed separately; and
 - (d) There shall be no charge for the hearing on the second-stage of a two-stage PUD application.
- 1601.5 In the case of an application or petition combining two (2) or more actions described in this section, the fee charged shall be the greatest of all the fees computed separately.
- 1601.6 If the Commission schedules a public hearing on an application for a modification to an approved PUD, air space development, prior to the advertisement of the hearing, the applicant shall pay a hearing fee equal to twenty-six percent (26%) of the original hearing fee or one thousand three hundred dollars (\$1,300), whichever is greater.
- 1601.7 An applicants for a modification to an approved required or voluntary design review shall pay the same hearing fee as stated in Z § 1601.6 at the time the application is filed.

TABLE Z § 1601 – SCHEDULE OF HEARING FEES

MAP AMENDMENT			
Case Type	Unit	Fee	Maximum
R-1 through R-3, R-6 through R-17, or R-19 through R-21 zone	43,560 sq. ft. or part of that area	\$ 650	\$65,000
RF-1 through RF-3 zone and RA-1 or RA-6	43,560 sq. ft. or part of that area	\$1,625	\$65,000
RA-2, RA-7, RA-8, or RC-1	43,560 sq. ft. or part of that area	\$3,250	\$65,000
RA-3 through RA-5, RA-9, RA-10, D-1-R, SEFC-2,	43,560 sq. ft. or	\$6,500	\$65,000

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MAP AMENDMENT			
Case Type	Unit	Fee	Maximum
SEFC-3, or CG-1 zone	part of that area		
MU-1, MU-2, MU-10 through MU-16, MU-22, MU-23, MU-29, D-2, SEFC-1, SEFC-4, CG4 through CG-7, and ARTS-4 zone	10,000 sq. ft. or part of that area	\$2,600	
MU-3 through MU-6, MU-17 through MU-19, MU-24 through MU-27, NC-1 through NC-5, NC-7, NC-9 through NC-11, NC-14, NC-16, NC-17, D-4-R, CG-2, ARTS-1, ARTS-2, RC-2 and RC-3 zone	10,000 sq. ft. or part of that area	\$1,625	
MU-7 through MU-9, MU-20, MU-21, MU-28, NC-6, NC-8, NC-12, NC-13, NC-15, D-3 through D-5, D-5-R, D-6, D-6-R, D-7, D-8, CG-3, and ARTS-3 zone	10,000 sq. ft. or part of that area	\$3,250	
PDR-1 through PDR-7 zone	20,000 sq. ft. or part of that area	\$2,600	
TEXT AMENDMENT			
Case Type	Unit	Fee	Maximum
Each section of this title proposed to be added, deleted, or amended	Per section modified	\$ 325	\$ 1,300
PLANNED UNIT DEVELOPMENT OR AIR SPACE DEVELOPMENT			
Case Type	Unit	Fee	Maximum
For each one hundred square feet (100 sq. ft.) of gross floor area or part thereof included in the application devoted to dwelling units, and the immediate area needed to serve that dwelling unit	100 sq. ft. of gross floor area or part of that area	\$ 7	\$65,000
For each one hundred square feet (100 sq. ft.) of gross floor area or part thereof included in the application devoted to any use other than a dwelling unit and the immediate area needed to serve that dwelling unit	100 sq. ft. of gross floor area or part of that area	\$ 13	
MODIFICATION TO A PLANNED UNIT DEVELOPMENT OR AIR SPACE DEVELOPMENT			
Case Type	Unit	Fee	Maximum
Modification to an approved design review, PUD, air space development, or any other action where review of a specific site or building plan was required		26% of the original hearing fee or \$1,300, whichever is greater	

1602 WAIVER OF HEARING FEES

1602.1 In the case of an application to permit the construction of a low- or moderate-income subsidized housing development, the D.C. Department of Housing and Community Development may request the Commission to waive the normal hearing fee.

1602.2 For the purposes of this section, the term "subsidized housing development" shall mean a housing development that is eligible to receive funding from a recognized District of Columbia or federal government housing subsidy program. Low- or

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moderate- income projects shall be as defined by the U.S. Department of Housing and Urban Development.

1602.3 The Application must be filed prior to the Commission's decision to setdown the application for a hearing.

1602.4 To obtain the waiver, the applicant shall file with the application the request of the D.C. Department of Housing and Community Development.

1602.5 The request shall certify that the proposed development meets the requirements of Z § 1602.2, and shall state why the proposed waiver should be granted.

1603 EXEMPTION FROM FEES

1603.1 A department, office, or agency of the government of the District of Columbia is not required to pay a filing or hearing fee for an application, where the property is owned by the District of Columbia or that agency or is under one or both of their jurisdictions and the property is to be used for a government building or use.

1603.2 The following person or entities shall not be required to pay a filing or hearing fee for a petition to amend the Zoning Map or the text of the Zoning Regulations:

- (a) A department, office, or agency of the government of the District of Columbia, including an Advisory Neighborhood Commission (ANC);
- (b) The National Capital Planning Commission; or
- (c) A citizens' association or association created for civic purposes that is not for profit.

1604 MISCELLANEOUS FEES

1604.1 Fees for miscellaneous zoning services and documents provided by the Office of Zoning are as prescribed in Y § 1601.

1605 ADMINISTRATION OF FEES

1605.1 The Director shall be responsible for administering, interpreting, and applying the terms of the fee schedule in Z §§ 1600 and 1601.

1605.2 All fees shall be paid by check or money order made payable to the D.C. Treasurer, or by credit card where indicated by the Office of Zoning.

1605.3 Once a filing or hearing fee has been submitted, it will not be refunded.

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1606 REVIEW OF FEES

- 1606.1 Upon the effective date of this title, and on a tri-annual basis thereafter, the Office of Zoning shall update the Commission on the status of their fees.
- 1606.2 If the Office of Zoning finds that the fees should remain the same, it shall indicate its findings to the Commission.
- 1606.3 If the Office of Zoning finds that the fees should be increased, then it shall submit a petition to the Commission for an increase of the fees.
- 1606.4 The Commission, on its own, can propose to increase the fees at any time.

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; 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 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 |

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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 S. SCHELLIN,
SECRETARY TO THE ZONING COMMISSION.**

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: Thursday, April 6, 2015, @ 6:30 p.m. – 2nd Case
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 08-06C (Map Amendment to Implement the Comprehensive Revisions to the Zoning Regulations, including New Zone Names)

THIS CASE IS OF INTEREST TO ALL ANCs

On February 9, 2015, the Office of Planning filed a report that served as a petition requesting amendments to the Zoning Map. The proposed map amendments would implement the new zones and zone names created through the text for the Comprehensive revisions to the zoning regulations, also referred to as ZRR, in Case No. 08-06A, through the remapping of the existing zone district names to the new zone district names. The boundaries of the new zone district names are the same as the existing zone districts except as proposed for the R-19 and R-20 zones and parts of the new proposed D zone districts as described herein.

No name changes are proposed to the R-1-A, R-1-B, R-2, R-3, USN, HE-1 through HE-4, or the StE-1 through StE-19 zones.

The provisions of 11 DCMR § 3202.5, known as the “set down rule” do not apply to this proposed map amendment because there is no current text that relates to the proposed zone designations. Applications for building permits will continue to be processed in accordance with existing zone designations until such time as the text and map amendments proposed as part of the ZRR process become final, and subject to such vesting provisions as the Commission may ultimately adopt.

The Zoning Commission set down this case for a public hearing on February 9, 2015. The Office of Planning report served as its supplemental filing required by 11 DCMR § 3014.

PROPOSED MAP AMENDMENT

- 1. Amend the Zoning Map to change all existing references to the Current Zone Names to the Proposed Zone Names as listed in the following table:

Current Zone Name	Proposed Zone Name
R-1-A/D	R-1-A
R-1-B/D	R-1-B
R-2/D	R-2
R-3/D	R-3

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Current Zone Name	Proposed Zone Name
R-1-A/TSP	R-6
R-1-B/TSP	R-7
R-1-A/FH-TSP	R-8
R-1-B/FH-TSP	R-9
R-2/FH-TSP	R-10
R-1-A/NO/TSP and R-1-A/NO/TSP/D	R-11
R-1-B/NO and R-1-B/NO/D	R-12
R-3/NO	R-13
R-1-A/WH	R-14
R-1-B/WH	R-15
R-3/FB	R-17
R-1-B/SSH1	R-16
R-1-B/SSH2	
R-1-A/CBUT	R-21
R-4	RF-1
R-4/D	RF-1
R-4/DC	RF-2
R-4/CAP	RF-3
R-5-A	RA-1
R-5-B	RA-2
R-5-C	RA-3
R-5-D	RA-4
R-5-E	RA-5
R-5-A/NO	RA-6
R-5-B/CAP	RA-7
R-5-B/DC	RA-8
R-5-D/DC	RA-9
R-5-E/DC	RA-10
SP-1	MU-1
SP-2	MU-2
C-1	MU-3
C-2-A	MU-4
C-2-B	MU-5
C-2-C	MU-6
C-3-A	MU-7
C-3-B	MU-8

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Current Zone Name	Proposed Zone Name
C-3-C	MU-9
CR	MU-10
W-0	MU-11
W-1	MU-12
W-2	MU-13
W-3	MU-14
SP-1/DC	MU-15
SP-2/DC	MU-16
C-2-A/DC	MU-17
C-2-B/DC	MU-18
C-2-C/DC	MU-19
C-3-B/DC	MU-20
C-3-C/DC	MU-21
CR/DC	MU-22
SP-2/CAP	MU-23
C-2-A/CAP	MU-24
C-2-A/CHC	MU-25
C-2-A/CAP/CHC	MU-26
C-2-A/NO	MU-27
C-3-A/FT	MU-28
CR/FT	MU-29
C-1/MW	NC-1
C-2-A/TK	NC-2
C-2-A/CP	NC-3
C-2-A/WP	NC-4
C-2-B/WP	NC-5
C-3-A/ES	NC-6
C-2-A/GA	NC-7
C-3-A/GA	NC-8
C-2-A/HS-H	NC-9
C-2-B/HS-H	NC-10
C-2-C/HS-H	NC-11
C-3-A/HS-H	NC-12
C-3-B/HS-H	NC-13
C-2-A/HS-A	NC-14
C-3-A/HS-A	NC-15
C-2-A/HS-R	NC-16
C-2-B/HS-R	NC-17

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Current Zone Name	Proposed Zone Name
CM-1	PDR-1
CM-1/LO	PDR-1
CM-2	PDR-2
CM-3	PDR-3
M	PDR-4
CM-1/CAP	PDR-5
CM-1/FT	PDR-6
M/FT	PDR-7
SEFC/CR	SEFC-1
SEFC/R-5-E	SEFC-2
SEFC/R-5-D	SEFC-3
SEFC/W-0	SEFC-4
CG/R-5-E	CG-1
CG/C-2-C	CG-2
CG/C-3-C	CG-3
CG/CR	CG-4
CG/W-2	CG-5
CG/W-1	CG-6
CG/W-3	CG-7
C-2-A/ARTS	ARTS-1
C-2-B/ARTS	ARTS-2
C-3-A/ARTS	ARTS-3
CR/ARTS	ARTS-4
R-5-B/RC	RC-1
C-2-A/RC	RC-2
C-2-B/RC	RC-3
HR/SP-2	D-2

2. Amend the Zoning Map to change the following squares, or portions of squares currently in the R-1-B Zone District to the R-19 Zone District:

<u>Squares East side of Wisconsin Ave. NW</u>	<u>Squares West side of Wisconsin Ave. NW</u>
1312, 1312S	1280 through 1282
1313	1254 through 1256
1320	1285

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3. Amend the Zoning Map to change the following squares or portions of squares currently in the R-3 Zone District to the R-20 Zone District:

<u>Squares East side of Wisconsin Ave. NW</u>	<u>Squares West side of Wisconsin Ave. NW</u>
1201 through 1206	1208 through 1215
1218 through 1223	1232 through 1243
1226 through 1231	1256 through 1262
1244 through 1248	1266 through 1271
1253 through 1255	1280
1272 through 1274	1282 through 1284
1277 through 1279	
1290, 1291	
1293 through 1298	
1296E, 1296S, 1296SS	
1302 through 1311	
1308S, 1311S,	

4. Amend the Zoning Map to change Squares 646 and 648 in the C-3-A Zone District to the D-5 Zone District.
5. Amend the Zoning Map to change Square 649 from the C-3-A and CG/C-3-C Zone Districts to the D-5 Zone District.
6. Amend the Zoning Map to change squares or portions of Squares 695 NW, 695W, 695, 696, 697, 697N, 699, 699N, 698, 737N, 737, 738, 739, 740, 741, 742, 743N, and 766 in the CG/C-3-C Zone District to the D-5 Zone District;
7. Amend the Zoning Map to change squares or portions of Squares 624, 563, 564, 566, and 568 in the HR/C-3-C and C-3-C Zone Districts to the D-4 Zone District;
8. Amend the Zoning Map to change Square 482 and those portions of Squares 449, 514, and 524 in the DD/R-5-B Zone District to the RA-2 Zone District; and
9. Amend the Zoning Map to change squares or portions of Squares 449, 514, and 524 in the DD/C-2-C Zone District to the MU-6 Zone District.
10. Amend the Zoning Map to change squares or portions of Squares 449, 482, 514, and 524 from the DD/R-5-B Zone District to the RA-2 Zone District.
11. Amend the Zoning Map to change squares or portions of Squares 246 and 282 from the DD/R-5-E Zone District to the D-1-R Zone District.
12. Amend the Zoning Map to change squares or portions of Squares 247, 283, 453, 485, and 517 from the DD/R-5-E Zone District to the D-1-R Zone District.

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13. Amend the Zoning Map to change portions of Square 369 from the DD/C-2-A Zone District to the MU-4 Zone District.
14. Amend the Zoning Map to change squares or portions of Squares 247, 283, 284, 316, 342, 369, 370, 401, 425, 449, 450, 451, 482S, 484, 485, 486, 514, 515N, 515, 516, 516S, 517, 518, 524, 525, 526, 527m 528, 529, 556, and 558 from the DD/C-2-C Zone District to the D-4-R Zone District.
15. Amend the Zoning Map to change portions of Square 450 from the DD/C-3-A Zone District to the MU-7 Zone District.
16. Amend the Zoning Map to change squares or portions of Squares 315, 317, 342, 343, 344, 371, 372, 373, 374, 402, 426, 428, 452, 453, 483, and 484W from the DD/C-3-C Zone District to the D-5-R Zone District.
17. Amend the Zoning Map to change squares or portions of Squares 377, 406, 407, 408, 431, 432S, 454, 455, 456, 457, 458, 459, 460, and 491 from the DD/C-4 Zone District to the D-6-R Zone District.
18. Amend the Zoning Map to change squares or portions of squares 223, 224, 252, 253, 288, 289, 290, 319, 320, 321, 345, 346, 347, 375, 376, 378, 405, 429, 429S, and 430 from the DD/C-4 Zone District to the D-7 Zone District.
19. Amend the Zoning Map to change squares or portions of Squares 225, 254, 254S, 291, 322, and 348 from the DD/C-5 Zone District to the D-7 Zone District.
20. Amend the Zoning Map to change squares or portions of Squares 565, 567, 569, 570, 571, 572, 572S, 573, 574, 625, 626, 627, 628, 629, 630, the HR/C-3-C Zone District to the D-3 Zone District.
21. Amend the Zoning Map to change squares or portions of Squares 563, 564, 565, 566, 567, 568, 624 and 624W from the HR/C-3-C Zone District to the D-4 Zone District.
22. Amend the Zoning Map to change squares or portions of squares 170, 171, 172, 173, 183, 184, 185, 186, 197, 198, 199, 200, 487, 488, 489, 487E, 488E, 489E, 530, and 531 from the SP-2 zone district to the D-2 zone district.
23. Amend the Zoning Map to change squares or portions of squares 353, 354, 412, 426, 435, 492S, 492, 534, 535, 577, 579, 581, 583N, 580N, 582, 638, 640, 641, 3584 from the C-3-C Zone District to the D-4 Zone District.

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24. Amend the Zoning Map to change squares or portions of Squares 72, 73, 74, 76, 78, 85, 86, 99, 100, 117, 118, 141, 168, 169, 267, 268, 285, 299, 327, 386, 387, 403, 404, 463, 463S, 464, 465, 466, 493, 494, 495, 536, 537, 538, 646, 648, 649, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 694, 695, 695, W, 695NW, 696, 697N, 697, 699, 699N, 709, 710, 710E, 711, 712, 713, 715, 738, 740, 737N, 737, 739, 741, 743N, 766, and 836 from the C-3-C Zone District to the D-5 Zone District.
25. Amend the Zoning Map to change squares or portions of Squares 105, 106, 107, 126, 127, 140, 141, 142, 161, 162, 163, 164, 165, 166, 168, 183, 184, 185, 185W, 186, 197, 198, 200, 213, 214, 215, 216, 217, 218, 218W, 219, 220, 222, 247, 248, 249, 250, 251, 284, 285, 286, 287, 318, and 323 from the C-4 Zone District to the D-6 Zone District
26. Amend the Zoning Map to change Square 160 from DC/C-4 Zone District to D-6 Zone District.
27. Amend the Zoning Map to change squares or portions of Squares 325, 326, 351N, 351, 352, 383, 384, 385, 409, 410, 433, 434, and 462 from unzoned to the D-8 Zone District.

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 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.

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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 S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

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the east, and an alley to the west. This property is legally identified as Square 3587, Parcels 129/77, 129/95, and 129/96.

The Applicant proposes to develop a new mixed-use development on the site, consisting of approximately 41,042 square feet of retail and approximately 496,558 square feet of residential. The project will contain a total of approximately 537,600 gross square feet, for a floor area ratio ("FAR") of 8.0. It will have a height of 110 feet. The project will also include an underground parking garage with approximately 450-570 parking spaces. The consolidated portion of the PUD will permit the construction of a mixed-use residential and retail building with approximately 355,309 square feet of residential use and approximately 29,042 square feet of retail use on the southern portion of the Property.

The C-3-C Zone District permits matter-of-right development for major business and employment centers of medium/high density development, including office, retail, housing, and mixed uses to a maximum lot occupancy of 100%, a maximum PUD density of 8.0 FAR for residential and for other permitted uses, and a maximum PUD height of 130 feet.

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

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

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

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

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

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

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

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 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.**

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

ERRATA NOTICE

The Administrator of the Office of Documents and Administrative Issuances (ODAI), pursuant to the authority set forth in Section 309 of the District of Columbia Administrative Procedure Act, approved October 21, 1968, as amended (82 Stat. 1203; D.C. Official Code § 2-559 (2012 Repl.)), hereby gives notice of corrections to the Notice of Second Proposed Rulemaking issued by the Office of the Mayor and published in the *D.C. Register* on February 13, 2015 at 62 DCR 2015-2094.

The rulemaking would update and consolidate the District's current sign regulations into a new Title 13 (Sign Regulations) of the District of Columbia Municipal Regulations (DCMR).

The concluding paragraph of the Second Proposed Rulemaking mistakenly stated the public comment period is sixty (60) days from publication instead of ninety (90). The paragraph is amended to read as follows:

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than ninety (90) ~~sixty (60)~~ days after the publication of this notice in the *D.C. Register*; with Alice Kelly, Manager, Policy Branch, Policy, Planning and Sustainability Administration, District Department of Transportation, 55 M Street, S.E., 5th Floor, Washington, D.C. 20003. An interested person may also send comments electronically to policy.ddot@dc.gov. Copies of this proposed rulemaking are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation's website at www.ddot.@dc.gov.

This Errata Notice's correction to the Notice of Second Proposed Rulemaking is non-substantive in nature and does not alter the intent, application, or purpose of the proposed rules.

Any questions or comments regarding this notice shall be addressed by mail to Victor L. Reid, Esq., Administrator, Office of Documents and Administrative Issuances, 441 4th Street, N.W., Suite 520 South, Washington, D.C. 20001, email at victor.reid@dc.gov, or via telephone at (202) 727-5090.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 15, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2012 Repl.)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of his intent to adopt the following amendment to Chapter 66 (Professional Counseling) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the amendment is to eliminate the provisions in 17 DCMR Chapter 66, Subsections 6603.1(b) and 6606.1, that allow an applicant to acquire the requisite 3,500 hours of supervised practice necessary for licensure in the District of Columbia, under the supervision of an individual who is licensed in another jurisdiction and is not licensed in the District of Columbia, but “would have been qualified for a license as a professional counselor in the District of Columbia” during the time of the supervision.

The Board finds that this provision is not practical, as it would require the supervisee to provide documentation at the time an application is filed from the supervisor, which the Board would have to review, for the purpose of determining whether the supervisor would have qualified for licensure during the period of supervision, as this period may be two to five years after the supervised practice had begun.

The amendment also creates a separate Subsection 6603.4, which allows the Board to extend the period in which supervised experience must be acquired to five years for good cause shown.

Chapter 66, PROFESSIONAL COUNSELING, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended to read as follows:

Subsection 6603.1(b) is amended to read as follow:

- (b) The experience shall have consisted of a minimum of three thousand five hundred (3,500) hours of professional counseling performed over a period of not less than two (2) years and not more than five (5) years under the general supervision of a qualified supervisor who shall be a professional counselor, psychologist, psychiatrist, or independent clinical social worker who was licensed in a jurisdiction of the United States during the supervised period.

Add a new Subsection 6603.4 to read as follows:

6603.4 Pursuant to § 6603.1(b), the Board may extend the five (5) year limit for good cause. All hours worked in a position in which general counseling services are offered shall be counted toward the minimum required hours.

Subsection 6606.1 is amended to read as follows:

6606.1 A student or graduate may practice professional counseling in accordance with this section only under the general or immediate supervision of a professional counselor, psychologist, psychiatrist, or independent clinical social worker licensed in the District of Columbia.

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 5th Floor, Washington, D.C. 20002. In addition, comments may be sent to Van.Brathwaite@dc.gov, (202) 442-4899. Copies of the proposed rules may be obtained from the Department of Health at the same address during the hours of 9 a.m. to 5 p.m., Monday through Friday, excluding holidays.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission, pursuant to the authority set forth in Sections 8(c)(2), (5), (19), and 14 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2),(5),(19), and 50-313 (2014 Repl.)), hereby gives notice of its intent to adopt amendments to Chapter 5 (Taxicab Companies, Associations and Fleets) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed rules would require a vehicle to be repainted to the uniform color scheme if the vehicle changes ownership, affiliation, or association, or if the owner is granted an extension in excess of one (1) year of the vehicle's retirement under § 609. The rulemaking would support the transition of the taxicab fleet to the uniform color scheme, as required by the Act.

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

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

Chapter 5, TAXICAB COMPANIES, ASSOCIATIONS AND FLEETS, is amended as follows:

Section 503, TAXICAB COLORINGS AND MARKINGS, is amended as follows:

503.1 Uniform color scheme. Each vehicle used as a taxicab shall be in compliance with the uniform color scheme in § 503.3 if:

- (a) It is entering service pursuant to:
 - (1) D.C. Official Code § 50-321(d)(1) and any implementing provisions of this title;
 - (2) Section 609, as a replacement for a vehicle required to be retired under that section; or
 - (3) Any other provision of this title or other applicable law;
- (b) It is repainted in whole or in part, regardless of the reason;
- (c) The ownership, association, or affiliation of the vehicle is changed in any way, regardless of the reason; or

- (d) It is required to be repainted in whole or in part pursuant to:
- (1) Subsection 609.7, as a condition of the Office's approval of the owner's application for an extension in excess of one (1) year of the vehicle's retirement under §§ 609.2 through 609.5; or
 - (2) Any other provision of this title or other applicable law.

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

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission, pursuant to the authority set forth in Sections 8(c)(3),(5) and (19), and 13 of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(3), (5), (19), and 50-312 (2014 Repl.)), hereby gives notice of its intent to adopt amendments to Chapters 6 (Taxicab Parts and Equipment) and 18 of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed rules would: (1) update and clarify the data fields which must be captured by each modern taximeter system (“MTS”) and transmitted by the payment service provider (“PSP”) to the Commission’s taxicab information system (“TCIS”), to ensure that the Commission receives the trip data needed for research, passenger safety, investigation of public complaints, reconciliation with passenger surcharge deposits, and other lawful purposes under the Act; and (2) clarify the additional fields which must be captured by each MTS and transmitted by the PSP for trips provided by the taxicab companies approved to participate in the Coordinated Alternative Paratransit Service (“CAPS-DC”) pilot program under Chapter 18.

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

Chapter 6, TAXICAB PARTS AND EQUIPMENT, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended as follows:

Section 603, MODERN TAXIMETER SYSTEMS, is amended as follows.

Subsection 603.9(c) is amended to read as follows:

- (c) Transmit to the TCIS every twenty-four (24) hours via a single data feed consistent in structure across all PSPs, in a manner and format established by the Office, the following data:
 - (1) The operator’s DCTC operator’s license (face card) number;
 - (2) The vehicle’s PVIN;
 - (3) The vehicle’s tag (license plate) number;
 - (4) The vehicle’s vehicle identification Number (VIN);
 - (5) The name of the PSP;

- (6) The name and association of the vehicle owner and related information reported as follows:
 - (A) The word “independent” if the vehicle is owned by the operator and not associated with a taxicab association or with a fleet of a taxicab company;
 - (B) The name of the taxicab association or fleet if the vehicle is owned by the operator and associated with a taxicab association or with a fleet of a taxicab company; or
 - (C) The name of the taxicab company if the vehicle is owned by a company but leased to a driver.
- (7) The PSP-assigned tour of duty identification number;
- (8) The date and time when the operator completed the required login process pursuant to Subsection 603.9(a) at the beginning of the tour of duty;
- (9) The time (duration) and mileage of each trip;
- (10) The date and time of pickup and drop-off of each trip;
- (11) The address and/or geospatially-recorded place of pickup and drop-off of each trip;
- (12) The number of passengers;
- (13) The unique trip identification number assigned by the PSP;
- (14) The taximeter fare and an itemization of the rates and charges pursuant to § 801;
- (15) The form of payment (cash payment, cashless payment, voucher, or digital payment), the payment method, and, if a digital payment, the name of the DDS;
- (16) The date and time of logoff at the end of the tour of duty;
- (17) The date and time that the data transmission to the TCIS takes place;
- (18) The date on which the vehicle’s insurance policy expires;

- (19) The vehicle's odometer reading;
- (20) The vehicle's type of propulsion according to § 609;
- (21) The vehicle's taximeter brand and model;
- (22) An acknowledgment that the vehicle's MTS unit incorporates the safety equipment required by § 603.8(n) (3); and
- (23) If applicable, all additional trip data required by the Office for a vehicle performing a trip in the Coordinated Alternative Paratransit Service ("CAPS-DC") pilot program under Chapter 18.

Chapter 18, WHEELCHAIR ACCESSIBLE PARATRANSIT TAXICAB SERVICE, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended as follows:

Section 1806, TAXICAB COMPANIES AND OPERATORS – OPERATING REQUIREMENTS, is amended as follows:

Subsection 1806.9, paragraph (b)(4) is amended to read as follows:

- (4) Has an MTS unit which complies with § 603, including the reporting of any additional trip data for payment reconciliation and program compliance, in a manner and format directed by the Office, pursuant to § 603.9 (c)(23).

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

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c)(2), (19) and (20); and 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), (19) and (20), 50-313, 50-319, and 50-320 (2014 Repl.)), hereby gives notice of its intent to amend Chapters 8 (Operation of Taxicabs) and 11 (Public Vehicles for Hire Consumer Service Fund) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (“DCMR”).

The proposed amendments to Chapters 8 and 11 would reduce certain administrative fees authorized to be charged by the Office of Taxicabs, including the vehicle license application (OneStop) fee, which would be lowered from fifty dollars (\$50) to twenty five dollars (\$25).

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

Chapter 8, OPERATION OF TAXICABS, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

Section 827, PUBLIC VEHICLE FOR HIRE OPERATOR AND VEHICLE FEES, is amended to read as follows:

Subsection 827.1 is amended to read as follows:

827.1 The following fees shall be applicable to the processing of applications for public vehicle for hire operator and vehicle licenses, testing, and requests for information:

	APPLICABLE FEE
Annual Public Vehicle for Hire Vehicle License	
DCTC Vehicle License (Taxicab and LCS Vehicle)	\$75 per year
Non-residency DCTC Taxicab Vehicle License	\$100 per year
Annual Operator ID License	
Hack License/Face Card	\$200 for two (2) years
Limousine License/Face Card	\$300 for two (2) years
Taxicab/Limousine/Black Car Face Card	\$525 for two (2) years

Duplicate 1st time	\$100
All subsequent duplicates	\$150
Fingerprint Fee	\$41.50
Not Valid for Hire License	\$100
Duplication/copies Records (per page)	\$0.25
Information/Freedom of Information Act Requests (Per Quarter Hour Charge per Request)	
Search by personnel Grade 1-8	\$4
Search by personnel Grade 9-13	\$7
Search by personnel Grade 14+	\$10
Pre-License Testing	
1st Testing	\$100
2nd and Additional Testing	\$75

Chapter 11, PUBLIC VEHICLES FOR HIRE CONSUMER SERVICES FUND, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

Section 1101, ASSESSMENT OF PUBLIC VEHICLE FOR HIRE OPERATORS, is amended as follows:

Subsection 1101.5 is deleted and reserved.

Section 1104, FEES, is amended as follows:

Subsection 1104.1 is amended to read as follows:

1104.1 The following fees, in addition to any other fees prescribed by this title, and in accordance with applicable law, shall be paid to the Commission and deposited into the Public Vehicle for Hire Consumer Service Fund:

Digital Dispatch Service Amend Registration Fee (§§ 1604.3(c) and 1604.5)	\$300
Digital Dispatch Service Registration Fee – (§ 1604.3(c))	\$500
Pair of vehicle registration stickers	\$1.00

Dome Light Business Application Fee (§1505.1)	\$500
Dome Light Business Biennial Renewal Application Fee (§1505.3)	\$1500
Late Renewal Application Fee – PSP or DDS (§§ 406 or 1604.6)	\$1000
Late Renewal Application Fee – Public Vehicle for Hire Owner/Operator (§ 1014.3)	\$25 (1 – 15 days late) \$50 (16 – 30 days late) \$100 (31 – 45 days late) \$150 (45 – 90 days late)
Late Renewal Application Fee – Taxicab Company, Association or Fleet; LCS Organization (§ 501.9 or 1202.9)	\$250
Pair of taxicab passenger rate stickers	\$1.00
Per Vehicle Registration Fee -- Initial and Renewal Applications (§§ 501 or 1202)	\$25
Proposed PSP Application Fee (§ 403.3)	\$1000
Proposed MTS Application Fee (§ 403.3):	\$1000
Taximeter Business License Fee (§1305.1)	\$2,000; \$500 non-refundable
Taximeter cable seals (§ 1323)	\$0.50

Transfer of Ownership – Taxicab Company, Association, or Fleet (§ 507.2)	\$500
Vehicle Age Waiver Fee (§609)	\$50

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

DISTRICT DEPARTMENT OF TRANSPORTATION
NOTICE OF SECOND PROPOSED RULEMAKING

The Director of the District Department of Transportation (DDOT), pursuant to the authority in Sections 3(b), 5(2)(K) (developing safe bicycle policies), 5(3)(D) (allocating and regulating on street parking and curb regulations), and 6(b) and (c) (transferring functions delegated to DPW) of the Department of Transportation Establishment Act of 2002 (“DDOT Establishment Act”), effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02(b), 50-921.04(2)(K), (3)(D), and 50-921.05(b) and (c) (2014 Repl.)), Section 6(a)(1), (a)(2)(B), 6(a)(6) and 6(b), of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(a)(1), (a)(2)(B), (a)(6), and (b) (2014 Repl.)), and Mayor’s Order 2013-063, dated April 2, 2013, hereby gives notice of the intent to adopt amendments to Chapters 12 (Bicycles, Motorized Bicycles, and Miscellaneous Vehicles), and 99 (Definitions) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The amendments will to modify the regulations for pedicabs and prohibit the operation of multi-seat pedal cycles on public roadways in the District of Columbia.

An initial Notice of Proposed Rulemaking was published in the *D.C. Register* on June 14, 2013, at 60 DCR 9084. In response to public comments received, the proposed rulemaking was revised to prohibit a pedicab from being equipped with a pedal assistance device with an electric motor; to require the brightness of headlamps to be visible from 500 feet, which is the same as for bicycles; to limit the parking prohibition on pedicabs to any pedicab that is parked and left unattended; to require that tail lights be located on the right and left areas of the rear of the pedicab; and to allow a pedicab to be operated in a travel lane other than the rightmost travel lane when a stopped vehicle is in the way or when the pedicab is traveling on the leftmost travel lane of a one-way street.

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

Title 18, VEHICLES AND TRAFFIC, of the DCMR is amended as follows:

Chapter 12, BICYCLES, MOTORIZED BICYCLES, AND MISCELLANEOUS VEHICLES, is amended as follows.

Section 1213, PEDICABS, is amended to read as follows:

1213 PEDICABS

1213.1 Pedicabs shall be propelled solely by human power and shall not be equipped with a pedal assist device with an electric motor.

1213.2 Pedicabs shall be operated in accordance with the safe operation of bicycle regulations set forth in § 1201.

1213.3 Notwithstanding § 1213.2, pedicabs shall be operated only on public streets.

1213.4 Each pedicab shall meet the following safety requirements:

- (a) The maximum width of the pedicab shall be fifty-five inches (55 in.);
- (b) The maximum length of the pedicab shall be ten feet (10 ft.);
- (c) The pedicab shall be equipped with:
 - (1) Passenger seat belts (either one (1) seat belt for each passenger or one (1) seat belt that covers all passengers);
 - (2) Hydraulic or mechanical disc or drum brakes, which shall be unaffected by rain or wet conditions;
 - (3) At least one (1) and no more than two (2) battery-operated head lamps which shall emit a steady or flashing white light visible from a distance of at least five hundred feet (500 ft.) from the front of the pedicab, under normal atmospheric conditions at the times that use of the head lamp is required;
 - (4) Battery-operated tail lamps mounted on the right and left areas of the rear of the pedicab, which, when operated, shall emit a steady or flashing red light visible from a distance of five hundred feet (500 ft.) to the rear, under normal atmospheric conditions at the times that use of the head lamp is required;
 - (5) Turning lights;
 - (6) A bell or other device capable of giving a signal audible for a distance of at least one hundred feet (100 ft.); and
 - (7) Reflectors on the spokes of the wheels of the pedicab.
- (d) Reflective tape shall be affixed on the pedicab in accordance with the following requirements:
 - (1) The tape shall be at least two inches (2 in.) wide;
 - (2) The tape shall be at least twelve inches (12 in.) long; and
 - (3) There shall be at least one (1) piece of tape on each side of the pedicab.

- (e) A triangular shaped slow-moving vehicle (SMV) emblem conforming to the American National Standards Institute standard S276.7, shall be permanently affixed to the rear of the pedicab as follows:
 - (1) With one (1) point up;
 - (2) As close to the horizontal center of the pedicab as possible; and
 - (3) No less than two feet (2 ft.) and no more than six feet (6 ft.) above the roadway surface as measured from the lower edge of the emblem.

1213.5 Each pedicab shall be operated in accordance with the following provisions:

- (a) All passengers shall be seated within the confines of the pedicab passenger seating area while the pedicab is in motion;
- (b) All passengers shall have a seatbelt securely fastened while the pedicab is in motion. There shall be affixed to the pedicab a sign stating that all passengers shall have a seatbelt securely fastened while the pedicab is in motion, and the sign shall be clearly visible to passengers;
- (c) A pedicab shall not be operated on a roadway with a posted speed limit of more than thirty miles per hour (30 m.p.h.);
- (d) A pedicab may not be operated or parked on a sidewalk;
- (e) Pedicab passengers shall be loaded and off-loaded while the pedicab is stopped;
- (f) No pedicab operator shall stop to load or unload passengers on the traffic-facing side of the pedicab, while occupying any intersection or crosswalk, or in such a manner as to unduly interfere with the orderly flow of traffic. All pedicab operators shall pull as close to the curb or edge of the roadway as possible to take on or discharge passengers;
- (g) A pedicab shall not be parked and left unattended in a restricted zone identified for other vehicles, including, but not limited to, parking meter zones, residential permit parking zones, valet parking zones, bus zones, taxicab zones;
- (h) A pedicab shall not be tied, cabled, or otherwise attached to a parking meter, street light pole, tree, or other public space asset;
- (i) At any time from one half (1/2) hour after sunset to one-half (1/2) hour before sunrise, and at any other time when, due to insufficient light or

unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred feet (500 ft.) ahead, a pedicab shall be operated as follows:

- (1) With a headlamp capable of being seen from a distance of at least five hundred feet (500 ft.); and
 - (2) With tail lamps capable of being seen from a distance of five hundred feet (500 ft.);
- (j) When operating a pedicab upon a roadway at less than the normal speed of traffic, a person shall travel in the right-most travel lane.
- (k) Notwithstanding paragraph (j) of this subsection, a pedicab may be operated in a travel lane other than the rightmost travel lane when:
- (1) Operating in a lane designated for bicycles;
 - (2) Preparing to access a lane designated for bicycles;
 - (3) Preparing for a turn;
 - (4) Encountering road hazards or stopped or parked vehicles;
 - (5) Necessary to comply with lane use restrictions;
 - (6) Necessary for passenger safety;
 - (7) Directed to do so by a police officer or other law enforcement or public safety official or by a traffic control officer; or
 - (8) Operating on a one (1)-way street and traveling in the direction of traffic in the left-most travel lane.

1213.6 No one shall operate or be in control of a pedicab while the person's alcohol concentration is eight hundredths of a gram (0.08 g) or more either per one hundred milliliters (100 ml) of blood or per two hundred and ten liters (210 L) of breath or one tenth of a gram (0.10 g) or more per one hundred milliliters (100 ml) of urine, or while under the influence of intoxicating liquor or any drug or any combination thereof, or while the ability to operate a vehicle is impaired by the consumption of intoxicating liquor.

A new Section 1217 is added to read as follows:

1217 MULTI-SEAT PEDAL CYCLES

1217.1 No person shall operate, park, or stand any multi-seat pedal cycle, or cause any multi-seat pedal cycle to operate, park, or stand on any public bicycle path, public highway, or other public right-of-way within the District of Columbia.

Chapter 99, GENERAL PROVISIONS, is amended as follows:

Section 9901, DEFINITIONS, is amended as follows

The definition for Pedicab is amended to read as follows:

Pedicab – a bicycle with a single frame that connects two (2) rear wheels and one (1) front wheel or one (1) rear wheel and two (2) front wheels that is designed to be propelled by no more than one (1) person, that transports, or is capable of transporting, passengers on seats attached to the bicycle, and that is used for transporting passengers for hire.

New definitions for multi-seat pedal cycle and public bicycle path are added in alphabetical order to read as follows:

Multi-seat pedal cycle - a bicycle with three or more wheels that is designed and constructed to permit seating by more than two people, that is propelled by human power, and that is designed to permit propulsion by more than two individuals simultaneously. A multi-seat pedal cycle includes, but is not limited to conference bicycles, sightseeing pedal buses, or pedal taverns. A multi-seat pedal cycle shall not include a tandem bicycle.

Public bicycle path - means a right-of-way under the jurisdiction and control of the District of Columbia for use primarily by bicycles and pedestrians.

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than thirty (30) days after the publication of this notice in the *D.C. Register*, with Samuel D. Zimbabwe, Associate Director, District Department of Transportation, 55 M Street, S.E., 5th Floor, Washington, D.C. 20003. An interested person may also send comments electronically to publicspace.policy@dc.gov. Copies of this proposed rulemaking are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation's website at www.ddot.dc.gov.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Directors (Board) of the District of Columbia Water and Sewer Authority (DC Water), pursuant to the authority set forth in Sections 203(3) and (11) and 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Official Code §§ 34-2202.03(3) and (11) and § 34-2202.16 (2012 Repl.)); Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(a) (2012 Repl.)); and in accordance with Chapter 40 (Retail Ratemaking) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR), hereby gives notice that at its regularly scheduled meeting on February 5, 2015, adopted Board Resolution #15-24 to propose the amendment of Sections 112 (Fees), and 199 (Definitions) of Chapter 1 (Water Supply); and Sections 4100 (Rates for Water Service), 4101 (Rates for Sewer Service), and 4102 (Customer Assistance Program) of Chapter 41 (Retail Water and Sewer Rates), of Title 21 (Water and Sanitation) of the DCMR.

The purpose of the amendments is to amend the Payment-in-Lieu of Taxes (PILOT) Fee, the Impervious Surface Area Charge, and rates for water and sewer services; to amend the Customer Assistance Programs; and to add the Water System Replacement Fee and relevant definitions.

The Board will also receive comments on this proposed rulemaking at a public hearing at a later date. The public hearing notice will be published in a subsequent edition of the *D.C. Register*. 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*.

Section 112, FEES, of Chapter 1, WATER SUPPLY, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:**Subsection 112.8 is amended to read as follows:**

112.8 Effective October 1, 2015, the District of Columbia Right-of-Way Occupancy Fee Pass Through Charge and the Payment-in-Lieu of Taxes (PILOT) Fee, shall be increased from sixty-three cents (\$0.63) for each one hundred cubic feet (1 Ccf) (or the equivalent of eighty-four cents (\$0.84) for each one thousand gallons (1,000 gals.) (one hundred cubic feet (1 Ccf) equals seven hundred forty-eight and five hundredths gallons (748.05 gals.)) to sixty-four cents (\$0.64) for each one hundred cubic feet (1 Ccf) (or the equivalent of eighty-six cents (\$0.86) for each one thousand gallons (1,000 gals.)) of water used, divided as follows:

- (a) District of Columbia Right-of-Way Fee, assessed to recover the cost of fees charged by the District of Columbia to D.C. Water and Sewer Authority for use of District of Columbia public space and rights of way, shall be:

- (1) Residential Customers: seventeen cents (\$0.17) per Ccf (or the equivalent of twenty-two cents (\$0.22) per one thousand gallons (1,000 gals.)) of water used;
 - (2) Multi-Family Customers: seventeen cents (\$0.17) per Ccf (or the equivalent of twenty-two cents (\$0.22) per one thousand gallons (1,000 gals.)) of water used; and
 - (3) Non-Residential Customers: seventeen cents (\$0.17) per Ccf (or the equivalent of twenty-two cents (\$0.22) per one thousand gallons (1,000 gals.)) of water used; and
- (b) Payment-in-Lieu of Taxes to the Office of the Chief Financial Officer (OCFO) of the District of Columbia, assessed to cover the amount which D.C. Water and Sewer Authority pays each fiscal year to the District of Columbia, consistent with D.C. Water and Sewer Authority's enabling statute for public goods and services received from the District of Columbia: shall be increased from forty-six cents (\$0.46) per Ccf (or the equivalent of sixty-two cents (\$0.62) per one thousand gallons (1,000 gals.)) of water used to:
- (1) Residential Customers: forty-seven cents (\$0.47) per Ccf (or the equivalent of sixty-four cents (\$0.64) per one thousand gallons (1,000 gals.)) of water used;
 - (2) Multi-Family Customers: forty-seven cents (\$0.47) per Ccf (or the equivalent of sixty-four cents (\$0.64) per one thousand gallons (1,000 gals.)) of water used; and
 - (3) Non-Residential Customers: forty-seven cents (\$0.47) per Ccf (or the equivalent of sixty-four cents (\$0.64) per one thousand gallons (1,000 gals.)) of water used.

Section 112 is amended by adding a new Subsection 112.10 to read as follows:

112.10 Water System Replacement Fee – Monthly fee to fund the one percent (1%) renewal and replacement of aging water infrastructure for residential, multi-family and non-residential customers as follows:

Meter Size (inches)	Meter Register Type	Monthly Water System Replacement Fee
5/8"	Single Register	\$ 6.30
3/4"	Single Register	\$ 7.39
1"	Single Register	\$ 9.67
1"x1.25"	Single and Multiple Register	\$ 15.40
1.5"	Single Register	\$ 41.35

2"	Single and Multiple Register	\$ 83.75
3"	Single and Multiple Register	\$ 232.13
4"	Single and Multiple Register	\$ 561.02
6"	Single and Multiple Register	\$ 1,292.14
8"	Single Register	\$ 5,785.51
8"x2"	Multiple Register	\$ 1,899.60
8"x4"x1"	Multiple Register	\$ 2,438.35
10"	Single and Multiple Register	\$ 6,679.65
12"	Single and Multiple Register	\$ 6,679.65
16"	Single Register	\$ 6,679.65

Section 199 is amended by adding the following terms and definitions to read as follows:

Single Register – Meter that has only one device that displays the consumption volume.

Multiple Register – Meter that has two or more devices that can display the consumption volume at different flow rates (high or low) or different uses, including, but not limited to, Demand Flow and Fire Flow.

Subsection 4100.3, of Section 4100, RATES FOR SEWER SERVICE, of Chapter 41, RETAIL WATER AND SEWER RATES, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:

4100 RATES FOR WATER SERVICE

4100.3 Effective October 1, 2015, the rate for retail metered water service shall be increased from three dollars and eighty-eight cents (\$3.88) for each one hundred cubic feet (1 Ccf) (or the equivalent of five dollars and nineteen cents (\$5.19) for each one thousand gallons (1,000 gals.) (one hundred cubic feet (1 Ccf) equals seven hundred forty-eight and five hundredths gallons (748.05 gals.)) of water used to:

- (a) Residential Customers: three dollars and eight cents (\$3.08) per Ccf (or the equivalent of four dollars and twelve cents (\$4.12) for each one thousand gallons (1,000 gals.)) for the consumption of zero (0) to four (4) hundred cubic feet (Ccf) of water used.
- (b) Residential Customers: three dollars and eighty-seven cents (\$3.87) per Ccf (or the equivalent of five dollars and seventeen cents (\$5.17) for each one thousand gallons (1,000 gals.)) for consumption greater than four (4) hundred cubic feet (Ccf) of water used.
- (c) Multi-Family Customers: three dollars and forty-five cents (\$3.45) per Ccf (or the equivalent of four dollars and sixty-one cents (\$4.61) for each one thousand gallons (1,000 gals.)) of water used.

- (d) Non-Residential Customers: three dollars and ninety-nine cents (\$3.99) per Ccf (or the equivalent of five dollars and thirty-three cents (\$5.33) for each one thousand gallons (1,000 gals.)) of water used.

Section 4101, RATES FOR SEWER SERVICE, of Chapter 41, RETAIL WATER AND SEWER RATES, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:

4101 RATES FOR SEWER SERVICE

4101.1 Effective October 1, 2015, the rates for sanitary sewer service shall be:

- (a) The retail sanitary sewer service rate shall be increased from four dollars and seventy-four cents (\$4.74) for each one hundred cubic feet (1 Ccf) (or six dollars and thirty-three cents (\$6.33) for each one thousand gallons (1,000 gals.) (one hundred cubic feet (1 Ccf) equals seven hundred forty-eight and five hundredths gallons (748.05 gals.)) of water used to:
 - (1) Residential Customers: five dollars and forty-four cents (\$5.44) per Ccf (or the equivalent of seven dollars and twenty-seven cents (\$7.27) for each one thousand gallons (1,000 gals.)) of water used.
 - (2) Multi-Family Customers: five dollars and forty-four cents (\$5.44) per Ccf (or the equivalent of seven dollars and twenty-seven cents (\$7.27) for each one thousand gallons (1,000 gals.)) of water used.
 - (3) Non-Residential Customers: five dollars and forty-four cents (\$5.44) per Ccf (or the equivalent of seven dollars and twenty-seven cents (\$7.27) for each one thousand gallons (1,000 gals.)) of water used.

4101.2 The rates for sanitary sewer service for the discharge of groundwater, cooling water and non-potable water sources shall be:

- (a) The retail groundwater sewer charge for an unimproved real property under construction shall be two dollars and thirty-three cents (\$2.33) per Ccf (one hundred cubic feet (1 Ccf) equals seven hundred forty-eight and five hundredths gallons (748.05 gals.)) for groundwater discharged into the District's wastewater sewer system.
- (b) The retail cooling water sewer charge shall be the retail sanitary sewer service rate set forth in Section 4101.1(a) for cooling water discharged into the District's wastewater sewer system.

- (c) The retail non-potable water source sewer charge shall be the retail sanitary sewer service rate set forth in Section 4101.1(a) for non-potable water discharged into the District's wastewater sewer system.

4101.3 Effective October 1, 2015, the annual Clean Rivers Impervious Surface Area Charge (CRIAC or IAC) shall be increased from two hundred one dollars (\$201.00), billed monthly at sixteen dollars and seventy-five cents (\$16.75), per Equivalent Residential Unit (ERU), to two hundred forty-three dollars and sixty cents (\$243.60) per ERU, billed monthly as follows:

- (a) Residential Customers: twenty dollars and thirty cents (\$20.30) per month for each ERU.
- (b) Multi-Family Customers: twenty dollars and thirty cents (\$20.30) per month for each ERU.
- (c) Non-Residential Customers: twenty dollars and thirty cents (\$20.30) per month for each ERU.

4101.4 The CRIAC shall be based upon the Equivalent Residential Unit (ERU). An ERU is defined as one thousand square feet (1,000 sq. ft.) of impervious surface area, taking account of a statistical median of residential properties.

4101.5 All residential customers shall be assessed a CRIAC based on the following Six-Tier Residential Rate Structure for the CRIAC:

Tier	Size of Impervious Area (Square Feet)	Equivalent Residential Unit (ERU)
Tier 1	100 - 600	0.6
Tier 2	700 - 2000	1.0
Tier 3	2,100 - 3,000	2.4
Tier 4	3,100 - 7,000	3.8
Tier 5	7,100 - 11000	8.6
Tier 6	11,100 and more	13.5

4101.6 All non-residential and multi-family customers shall be assessed ERU(s) based upon the total amount of impervious surface area on each lot. This total amount of impervious surface shall be converted into ERU(s), truncated to the nearest one-hundred (100) square feet.

4101.7 Impervious Only Properties are defined and subject to the follow requirements:

- (a) Impervious Only Properties are properties that do not currently have metered water/sewer service (for example, parking lots) and may require the creation of new accounts; and

- (b) Effective October 1, 2012, Impervious Only Properties shall be billed as follows:
 - (1) Impervious Only Properties with three (3) or more ERU's shall be billed monthly.
 - (2) Impervious Only Properties with less than three (3) ERU's shall be billed every six (6) months.
 - (3) Customers who are billed for more than one (1) property and who participate in District of Columbia Water and Sewer Authority's group billing program shall be billed monthly for all properties.

Section 4102, CUSTOMER ASSISTANCE PROGRAMS, of Chapter 41, RETAIL WATER AND SEWER RATES, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:

4102.1 CUSTOMER ASSISTANCE PROGRAM FOR HOUSEHOLDS AND TENANTS

- (a) Eligible households and tenants will receive an exemption from water service charges, sewer service charges, Payment-in-Lieu of Taxes (PILOT) and Right-of-Way (ROW) fees for the first Four Hundred Cubic Feet (4 Ccf) per month of water used. If the customer uses less than Four Hundred Cubic Feet (4 Ccf) of water in any month, the exemption will apply to that month's actual water usage.
- (b) Eligible households and tenants will receive a credit of six dollars and thirty cents (\$6.30) on the monthly billed Water System Replacement Fee.
- (c) Participation in the Customer Assistance Program is limited to single-family residential accounts and individually metered tenant accounts when the eligible applicant is responsible for paying for water services.
- (d) Eligibility is determined by the District of Columbia Department of Environment Energy Office.

Comments on these proposed rules should be submitted in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register* to Linda R. Manley, Secretary to the Board, District of Columbia Water and Sewer Authority, 5000 Overlook Ave., S.W., Washington, D.C. 20032, by email to Lmanley@dcwater.com, or by FAX at (202) 787-2795. Copies of these proposed rules may be obtained from the DC Water at the same address or by contacting Ms. Manley at (202) 787-2332.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-075
February 10, 2015

SUBJECT: Appointment – Interim Director, Department of Parks and Recreation


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), it is hereby **ORDERED** that:

1. **KEITH ANDERSON** is appointed Interim Director of the Department of Parks and Recreation and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2013-168, dated September 16, 2013.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 2, 2015.



MURIEL E. BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

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

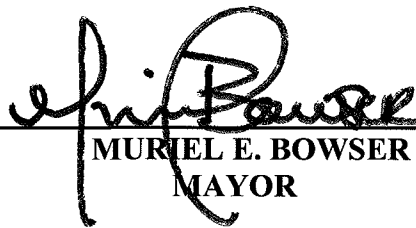
Mayor's Order 2015-076
February 10, 2015

SUBJECT: Appointment – Interim State Superintendent of Education, Office of the State Superintendent of Education

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), and by section 2 of the State Education Office Establishment Act of 2000, effective October 21, 2000, D.C. Law 13-176, D.C. Official Code § 38-2601 (2014 Supp.), it is hereby **ORDERED** that:

1. **AMY MAISTERRA** is appointed Interim State Superintendent of Education, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2013-167, dated September 16, 2013.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 2, 2015.


MURIEL E. BOWSER
MAYOR

ATTEST:


LAUREN C. VAUGHAN

ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM


Mayor's Order 2015-077
February 10, 2015

SUBJECT: Appointment – Interim Chairperson, D.C. Taxicab Commission

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), and in accordance with Section 5 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986, D.C. Law 6-97; D.C. Official Code § 50-305 (2014 Supp.), it is hereby **ORDERED** that:

1. **ERIC ROGERS** is appointed Interim Chairperson of the D.C. Taxicab Commission and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 20-186, dated November 9, 2011.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 2, 2015.



 MURIEL E. BOWSER
 MAYOR

ATTEST: 
 LAUREN C. VAUGHAN
 ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-078


February 10, 2015

SUBJECT: Policy Establishing a Standard for Official Letterhead, Publications and Signage**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(11) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790; D.C. Official Code § 1-204.22(11) (2014 Repl.)), it is hereby **ORDERED** that:

1. This Order states the policy of the government of the District of Columbia regarding the design of official letterhead, business cards, publications and signage for all agencies and departments in the Executive Branch and restates the policy regarding the use of names on official letterhead.
2. The "We Are Washington, DC" logo shall appear on the letterhead, business cards, publications and signage of agencies and departments of the Executive Branch as the official symbol of the District of Columbia. The Stars and Bars insignia may appear on the letterhead, business cards, publications and signage of agencies and departments of the Executive Branch as the official symbol of the District of Columbia. The Secretary of the District of Columbia shall establish government-wide standards for the use of the official insignia/logo of the District of Columbia.
3. No logos and insignia, other than those designating an agency or department of the Executive Branch, shall be used.
4. Consistent with long standing policy, the names of directors, officers, officials, chairpersons, or employees of departments, agencies, offices, boards, committees and commissions are not authorized to be printed on official letterhead, except as provided below.
5. The names of the following individuals are authorized to be printed on official letterhead:
 - a. The Mayor of the District of Columbia;
 - b. The Chairperson and members of the Council of the District of Columbia;
 - c. The Chief Judges and Associate Judges of the Court of Appeals and Superior Court of the District of Columbia; and
 - d. The Mayor's Cabinet members.

6. In exceptional circumstances, the Secretary of the District of Columbia is authorized to grant waivers of the provisions herein upon written application.
7. The provisions herein do not apply to independent agencies of the government of the District of Columbia established by law and not under the direction and control of the Mayor of the District of Columbia.
8. All agencies and departments are required to comply with the provisions of this Order by ordering letterhead consistent with the requirements herein.
8. This order supersedes Mayor's Order 2011-45, dated February 15, 2011. This Order also rescinds any prior Mayor's Orders, Mayor's Memoranda, and Commissioners' Orders or Memoranda to the extent they are inconsistent with the provisions of this Order.
9. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 2, 2015.



MURIEL E. BOWSER
MAYOR

ATTEST: 
LAUREN VAUGHAN
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-079
February 12, 2015

SUBJECT: Appointments – Police and Firemen's Retirement and Relief Board


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) 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) (2014 Repl.), and in accordance with section 2 of the District of Columbia Police and Fireman's Retirement and Relief Board Amendment Act of 1994, approved September 22, 1994, D.C. Law 10-174, D.C. Official Code § 5-722 (2012 Repl.), it is hereby **ORDERED** that:

1. **PAMELA A. BROWN** is appointed as a member and Chairperson of the Police and Firemen's Retirement and Relief Board, representing the District of Columbia Department of Human Resources (formerly the District of Columbia Office of Personnel), and shall serve at the pleasure of the Mayor.
2. **JED ROSS** is appointed as an alternate member and the alternate Chairperson of the Police and Firemen's Retirement and Relief Board, representing the District of Columbia Department of Human Resources (formerly the District of Columbia Office of Personnel), and shall serve at the pleasure of the Mayor.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL E. BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, FEBRUARY 25, 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) Case # 14-PRO-00100; Bistro, Inc., t/a Bistro Bistro, 1727 Connecticut Ave NW, License #81479, Retailer CT, ANC 2B Substantial Change (Sidewalk Café with Eight Seats)	9:30 AM
Show Cause Hearing (Status) Case # 14-AUD-00089; Kovaler, LLC, t/a Veranda, 1100 P Street NW, License #73443, Retailer CR, ANC 2F Failed to File Quarterly Statements (2nd Quarter 2014)	9:30 AM
Show Cause Hearing (Status) 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	9:30 AM
Show Cause Hearing (Status) Case # 14-CMP-00577; Big River Breweries, Ltd, t/a Gordon Biersch Brewery 900 F Street NW, License #60326, Retailer CR, ANC 2C No ABC Manager on Duty	9:30 AM
Show Cause Hearing (Status) Case # 14-CMP-00325; 2461 Corporation, t/a Madam's Organ, 2461 18th Street NW, License #25273, Retailer CR, ANC 1C Violation of Settlement Agreement	9:30 AM

Board's Calendar
February 25, 2015

Show Cause Hearing (Status) 9:30 AM

Case # 14-CMP-00497; Nispero, LLC, t/a El Nuevo Migueleno, 1721 Columbia Road NW, License #75403, Retailer CR, ANC 1C

Operating After Hours

Show Cause Hearing (Status) 9:30 AM

Case # 14-AUD-00082; Sunnyside Group, LLC, t/a Good Stuff Eatery, 303 Pennsylvania Ave SE, License #78027, Retailer DR, ANC 6B

Failed to File Quarterly Statements (2nd Quarter 2014)

Show Cause Hearing (Status) 9:30 AM

Case # 13-CMP-00373; Decatur Liquors, Inc., t/a Uptown Wine & Spirits, 4704 14th Street NW, License #24362, Retailer A, ANC 4C

Sold Fewer Than Six Miniature Bottles of Spirits

Show Cause Hearing (Status) 9:30 AM

Case # 13-CMP-00247; Columbia Station, Inc., t/a Columbia Station, 2325 18th Street NW, License #24834, Retailer CR, ANC 1C

No ABC Manager on Duty, Failed to Post License Conspicuously in the Establishment

Show Cause Hearing (Status) 9:30 PM

Case # 14-CMP-00581; Big Bear Café, LLC, t/a Big Bear Café, 1700 1st Street NW, License #84379, Retailer CR, ANC 5E

Failed to Post Window Lettering

Show Cause Hearing* 10:00 AM

Case # 14-AUD-00094; Burger 1931, LLC, t/a Black and Orange, 1931 14th Street NW, License #88273, Retailer CR, ANC 1B

Failed to File Quarterly Statements (2nd Quarter 2014)

Show Cause Hearing* 11:00 AM

Case # 14-CMP-00250; Johana's Inc., t/a Johana's Restaurant, 4728 14th Street NW., License #25996, Retailer CT, ANC 4C

Substantial Change in Operation Without Board Approval, Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age, Failed to Follow Security Plan

Show Cause Hearing* 11:00 AM

Case # 13-CMP-00289; Taj Mahal Enterprises, Ltd., t/a The Manor (formerly-Fiesta Restaurant & Lounge), 1327 Connecticut Ave NW, License #882, Retailer CR, ANC 2B

No ABC Manager on Duty

Board’s Calendar
February 25, 2015

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

Fact Finding Hearing* **1:30 PM**
Case # 14-CMP-00710, # 14-CMP-00709; K&D, LLC, t/a Cork, 1740 14th Street NW, License #77111, Retailer CR, ANC 2F
Ownership Interest Issues

Fact Finding Hearing* **2:30 AM**
Case # 14-251-00321, # 14-251-00321(a) and # 14-251-00309; Howard Theatre Entertainment, LLC, t/a Howard Theatre, 620 T Street NW, License #88646 Retailer CX, ANC 1B
Assault with a Deadly Weapon, Sexual Assault Inside of the Establishment

Fact Finding Hearing* **3:30 PM**
Case # 15-251-00037, # 15-CMP-00004 and # 15-251-00038; Hak, LLC, t/a Midtown, 1219 Connecticut Ave NW, License #72087, Retailer CR, ANC 2B
Assault With Intent to Kill

Fact Finding Hearing* **4:30 PM**
Case # 15-251-00031; Ekho Events, Inc., t/a Echostage, 2135 Queen's Chapel Road NE, License #90250, Retailer CN, ANC 5C
Incidents of Unconscious Patrons
***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
CEASE AND DESIST AGENDA (CLASS – B RETAILERS)**

**WEDNESDAY FEBRUARY 25, 2015
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

The ABC Board will be issuing Orders to Cease and Desist to the following Licensees for the reasons outlined below.

ABRA-075752 – **Georgia Avenue Market** – Retail – Grocery – B – 3128 GEORGIA AVENUE
NW

[Licensee did not renew.]

ABRA-079255 – **Pennsylvania Avenue Market** – Retail – Grocery – B – 1501
PENNSYLVANIA AVENUE SE

[Licensee did not renew.]

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

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, FEBRUARY 25, 2015
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On February 25, 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#15-251-00032 Tattoo, 1413 K ST NW Retailer C Nightclub, License#: ABRA-075156

2. Case#15-CMP-00022 Bistro La Bonne, 1340 U ST NW Retailer C Restaurant, License#: ABRA-075284

3. Case#15-CMP-00066 Penn Quarter Sports Tavern, 639 INDIANA AVE NW Retailer C Tavern, License#:ABRA-076039

4. Case#15-CMP-00004 Midtown, 1219 CONNECTICUT AVE NW Retailer C Nightclub, License#: ABRA-072087

5. Case#15-CC-00005 Michigan Liquors, 3934 12TH ST NE Retailer A Retail - Liquor Store, License#: ABRA-023640

6. Case#14-CMP-00602 Sizzling Express, 600 PENNSYLVANIA AVE SE Retailer C Restaurant, License#:ABRA-026739

7. Case#14-CMP-00599 La Lomita Dos, 308 PENNSYLVANIA AVE SE Retailer C Restaurant, License#:ABRA-015387

8. Case#15-251-00027 The Fireplace, 2161 P ST NW Retailer C Tavern, License#: ABRA-014419

9. Case#15-CMP-00051 Yes Organic Market, 4100 GEORGIA AVE NW Retailer B Retail - Grocery, License#:ABRA-081925

10. Case#15-251-00026 Music & Arts Club/Tropicalia, 2001 14TH ST NW Retailer C Nightclub, License#: ABRA-083264

11. Case#14-251-00289 Dirty Martini Inn Bar/Dirty Bar, 1223 CONNECTICUT AVE NW Retailer C Nightclub, License#:ABRA-083919

12. Case#15-CMP-00003 Climax Restaurant & Hookah Bar, 900 FLORIDA AVE NW Retailer C Tavern, License#:ABRA-088290

13. Case#15-CMP-00027 Maraki Restaurant & Lounge, 1930 9TH ST NW Retailer C Tavern, License#: ABRA-088787

14. Case#15-CMP-00019 Axum Restaurant, 1934 9th ST NW Retailer C Restaurant, License#: ABRA-089823

15. Case#15-CMP-00020 Cloud Restaurant & Lounge, 1919 9TH ST NW Retailer C Tavern, License#: ABRA-093572

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LEGAL AGENDA

WEDNESDAY, FEBRUARY 25, 2015 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Settlement Agreement between ANC 1A and Union Drinkery, dated January 14, 2015. *Union Drinkery*, 3216 Georgia Avenue, NW, Retailer CT, License No.: 097501.

2. Review of Settlement Agreement between ANC 1A and Thip Kao, dated January 14, 2015. *Thip Kao*, 3460 14th Street, NW, Retailer CR, License No.: 097131.

*** 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, FEBRUARY 25, 2015 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Request for Change of Hours for Premises and Sidewalk Cafe. *Approved Hours of Operation:* Sunday-Saturday 24-hours. *Approved Hours of Alcoholic Beverage Sales and Consumption:* Sunday-Friday 11:30am to 1am, Saturday 12pm to 1am. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption for Sidewalk Cafe:* Sunday-Thursday 11am to 10pm, Friday-Saturday 12pm to 10pm. *Approved Hours of Live Entertainment:* Sunday-Saturday 6pm to 9pm. *Proposed Hours of Alcoholic Beverage Sales and Consumption:* Sunday-Saturday 11am to 2am. *Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption for Sidewalk Café:* Sunday-Saturday 11am to 11pm. ANC 6D. SMD 6D01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Holiday Inn Capitol*, 550 C Street SW, Retailer CH, License No. 075950.

2. Review Request for Change of Hours. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:* Monday-Thursday 11:30am to 11:30pm, Friday-Saturday 11:30am to 3am. *Approved Hours of Live Entertainment:* Friday-Saturday 6pm to 3am. *Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption:* Sunday-Thursday 11:30am to 3am, Friday-Saturday 10am to 3am. *Proposed Hours of Live Entertainment:* Sunday-Saturday 6pm to 3am. ANC 2C. SMD 2C01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Noelia*, 1319 F Street NW, Retailer CR, License No. 094777.

3. Review Application for Sidewalk Café Endorsement. ANC 4C. SMD 4C04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Lyman's*, 3720 14th Street NW, Retailer CT, License No. 090509.

4. Review Application for Manager's License. *Meagan A. Mann*-ABRA 098067.

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

The Mayor's Office on Asian and Pacific Islander Affairs (OAPIA) is soliciting grant applications from qualified community-based organizations (CBOs) providing direct services to the District's residents for its FY 2015 Asian American and Pacific Islander Capacity Building Grant. This grant funding is intended to be used for efforts that would increase the linguistic and cultural capacity of organizations seeking to provide direct services to low-income limited English proficient/non English proficient (LEP/NEP) Asian American and Pacific Islander (AAPI) residents and merchants that increases these populations' capacity for independence into the general community in the following areas: Strategic Planning and Leadership Development; Fundraising and Financial Management; Internal Operations; and Communications and Advocacy.

Amount of grant funds available and number of awards:

OAPIA expects to award up to 5 grants. Eligible CBOs can be funded up to \$2,800.

Eligible organizations and entities:

Applicants must meet all of the following conditions:

- Is a nonprofit – 501(c)3 – organization
- Capacity building programming for a program that serves primarily AAPI residents and/or merchants
- Program is located in the District of Columbia
- Not a current grantee

Program scope:

The focus of the grant will be to fund organizations seeking to increase their capacity to provide culturally and linguistically appropriate services to AAPI District residents.

Release date of RFA: Wednesday February 25, 2015

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

Informational Meeting: Wednesday, April 4, 2015 from 10:00 a.m. – 12:00 noon
441 4th Street, NW, Room 721 North
Washington, DC 20001

Deadline for submission: Wednesday March 25, 2015 12:00 noon EST
441 4th Street, NW, Suite 721 North
Washington, DC 20001

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

BRIDGES PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS
PROJECT MANAGEMENT SERVICES

Briya Public Charter School and Bridges Public Charter School, through the Mamie D. Lee LLC partnership, are seeking competitive proposals for project management services for a public charter school facility project. For a copy of the RFP, please email both bbletzinger@briya.org and info@bridgespcs.org. All proposals must be submitted by 12:00 pm (noon) on Friday, March 6, 2015.

BRIYA PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****PROJECT MANAGEMENT SERVICES**

Briya Public Charter School and Bridges Public Charter School, through the Mamie D. Lee LLC partnership, are seeking competitive proposals for project management services for a public charter school facility project. For a copy of the RFP, please email both bbletzing@briya.org and info@bridgespcs.org. All proposals must be submitted by 12:00 pm (noon) on Friday, March 6, 2015.

CHILD AND FAMILY SERVICES AGENCY**Mayor's Advisory Committee on Child Abuse and Neglect (MACCAN)**

Tuesday – February 24, 2015
10:30 a.m. – 12:00 p.m.
Child and Family Services Agency
200 I Street SE, Conference Room 1001-A
Washington, DC 20003

Agenda

1. Call to Order
2. Ascertainment of Quorum
3. Acknowledgement of Adoption of the Minutes of the December 9, 2014, meeting
4. Greetings and Introductions:
 - a. Raymond Davidson, Interim Director, Child & Family Services Agency
 - b. Marie Morilus-Black, Deputy Director, Child & Family Services Agency, Office of Well-Being
5. Anthony V. Stevens, Associate Director, Mayor's Office of Talent and Appointments (MOTA), Office of Talents and Appointments – (invited)
6. Report by the Chair and Co-Chair of MACCAN
 - a. Update on Secondary Trauma Work @ CFSA – Dr. Lucas
 - b. Review of Membership of MACCAN/Vacancies
 - i. We are moving forward with adding the following member to MACCAN
 1. Stephanie Minor-Harper
 - ii. Vacancies
 1. Department of Health
 2. Community Based Child Welfare Provider
 3. Department of Youth Rehabilitation Services
 - c. Planning for National Child Abuse Prevention Month (April 2015)
 - d. Presentations:
 - i. Yuliana Del Arroyo: "It Takes a City Institute"
 - ii. Andrea Allen, DCPS: Homelessness and Student Truancy
7. Opportunity for Public Comment

8. Adjournment

9. Next Meeting April 28, 2015, 10:30-12:00 pm @ CFSA

If any questions/comments, please contact Roni Seabrook at (202) 724-7076 or roni.seabrook@dc.gov.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT ON DISABILITY SERVICES

NOTICE OF BI-MONTHLY PUBLIC MEETINGS

D.C. State Rehabilitation Council to Hold Bi-Monthly Public Meetings

**Department on Disability Services
Rehabilitation Services Administration
1125 15th Street, NW
Conference Room 2B
Washington, DC 20005**

The D.C. State Rehabilitation Council (SRC) will hold public meetings regarding the operation of the D.C. State Vocational Rehabilitation Program, as mandated by the Rehabilitation Act of 1973, as amended. The following public meetings are to be conducted from 9:30 am - 12 noon.

Dates	Location
Thursday, May 14, 2015	2B Conference Training Room
Thursday, July 9, 2015	2B Conference Training Room
Thursday, September 10, 2015	2B Conference Training Room
Thursday, November 12, 2015	2B Conference Training Room

Individuals who wish to attend should RSVP at least seven (7) days prior to the public meeting by contacting Darnise Henry Bush by calling 202-442-8432 or by email to darnise.bush@dc.gov.

If you require reasonable accommodations for attendance, please call 202-442-8432 at least two (2) weeks before the public meeting to ensure appropriate accommodations.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT ON DISABILITY SERVICES

NOTICE OF PUBLIC MEETINGS

D.C. Statewide Independent Living Council Meetings to Hold Public Meetings

**Department on Disability Services
Rehabilitation Services Administration
1125 15th Street, NW
Conference Room 2B
Washington, DC 20005**

The D.C. Statewide Independent Living Council (DCSILC) announces the 2015 General Meeting schedule. SILC meetings are open to the public and will take place as scheduled at the D.C. Department on Disability Services, Rehabilitation Services Administration, at 1125 15th Street, NW, Washington, DC 20005, in Conference Room 2B Training Room, from 12:00 noon - 2:00 pm. Meetings will occur on the fourth Thursday of the selected month as follows:

Dates	Location
Thursday, February 26, 2015*	D.C. Center for Independent Living 1400 Florida Avenue, NE Washington, D.C. 20002
Thursday, March 26, 2015	2B Conference Training Room
Thursday, May 28, 2015	2B Conference Training Room
Thursday, July 23, 2015	2B Conference Training Room
Thursday, September 24, 2015	2B Conference Training Room

All meetings are open to the public; however, the first meeting of the year* is dedicated to the mandatory DCSILC member training. On Thursday, February 26, 2014, the mandatory SILC training will be take place at the D.C. Center for Independent Living, which is located at 1400 Florida Avenue, NE, Washington, DC 20002.

Individuals who wish to attend meetings who are in need of accommodations should contact Ms. Dahlia Johnson, Administrative Assistant, DCSILC, at least seven (7) days prior to the scheduled meeting date, by phone at 202-442-8748 or by email to dahlia.johnson@dc.gov.

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
EDUCATION LICENSURE COMMISSION**

REVISED 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 a revision to the annual schedule of meetings for the 2015 Calendar Year, which was published in the D.C. Register on January 2, 2015.

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 schedule of the Education Licensure Commission’s December public and executive meetings published on January 2, 2015, is hereby amended as set forth below:

DATE	START TIME	END TIME	LOCATION	MEETING TYPE	REASON FOR CLOSURE (if applicable)
December 10, 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)
December 10, 2015	10:30 AM	1:00 PM	810 First Street, NE 3rd Fl., Grand Hall B	Public	N/A

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.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FUNDING AVAILABILITY

FY 2015 Charter Schools Program, Dissemination Grant (ESEA Title V, Part B)

CFDA: 84.282A and FAIN: U282A100025

Application Release Date: March 6, 2015

Notice of Intent to Apply Due: March 13, 2015

GRANT APPLICATION SUBMISSION DEADLINE: April 3, 2015 by 5:00 p.m.

The Office of Public Charter School Financing and Support, within The Office of the State Superintendent of Education (OSSE), will issue a Request for Applications for the FY 2015 Charter Schools Program Dissemination Grant.

A total of at least Seven Hundred Forty-Four Thousand, Seven Hundred and Five Dollars (\$744,705) in Dissemination Grant funds shall be used by public charter school Local Education Agencies (LEAs) to assist other schools in adapting the public charter school’s program (or certain aspects of the public charter school’s program), or to disseminate information about best practices at the public charter school through activities such as:

- Assisting other individuals with planning and start-up of one or more new public schools, including charter schools, that are independent of the assisting charter school and the assisting charter school’s developers, and that agree to be held to at least as high a level of accountability as the assisting charter school;
- Developing partnerships with other public schools, including charter schools, designed to improve student academic achievement in each of the schools participating within the partnership;
- Developing curriculum materials, assessments, and other materials that promote increased student achievement , and are based on successful practices within the assisting charter school; and
- Conducting evaluations and developing materials that document the successful practices of the assisting charter school and that are designed to improve student performance in other schools.

To be eligible for this grant, a public charter school:

- Must have been in operation for at least three (3) consecutive years prior to this solicitation;
- Must not have received a dissemination grant in the past; and
- Must have demonstrated overall success, including:
 - (1) Substantial progress in improving student academic achievement;
 - (2) High levels of parent satisfaction; and

- (3) The management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.
- Must meet the definition of a public charter school according to P.L. 107-110, section 5210 (1) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended.
 - Priority points may be awarded to LEAs that propose to disseminate best practices that have shown to improve outcomes for at-risk student population through:
 - (1) absenteeism reduction initiatives that improve family involvement; implement strong operating procedures for early student identification, intervention, and support; use continuous and rigorous data evaluation; and increase collaboration between schools and community institutions;
 - (2) academic improvement initiatives focused on increasing progress towards graduation for students with disabilities, English language learners, or other specific subgroups of students.

A review panel will be convened to review, score, and rank each application. The review panel will be composed of neutral, qualified, professional individuals selected for their expertise, knowledge or related experiences. Upon completion of its review, the panel(s) shall make recommendations for awards based on the scoring rubric(s). OSSE's Division of Elementary, Secondary, and Specialized Education will make all final award decisions.

The grant award period will be from the date of the award to July 29, 2016, and the LEAs/public charter schools must commit to obligate all grant funds awarded under this competition by July 29, 2016.

To receive more information, please contact:

Marie Hutchins
Program Analyst
Office of the State Superintendent of Education
810 First Street, NE, 8th Floor
Washington, D.C. 20002
Email: marie.hutchins@dc.gov

A copy of the application will be available by March 6, 2015 on OSSE's EGMS website at <https://osse.mtwgms.org/wdcossegmsweb/logon.aspx>.

LEAs/public charter schools who intend to apply are asked to submit a letter of intent to apply by March 13, 2015. All LEAs/public charter schools planning to apply for this grant must also attend the Pre-Application Conference and are required to RSVP via email to Marie Hutchins at marie.hutchins@dc.gov by March 11, 2015. The **mandatory** Pre-Application Conference will be held on March 13, 2015, 11:00 a.m. to 12:00 p.m. EST at 810 First Street, NE, Washington, DC 20002. **The deadline for application submission is April 3, 2015, via the Enterprise Grants Management System EGMS by 5:00 p.m. EST.**

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS****Certification of Filling Vacancies**
In Advisory Neighborhood Commissions

Pursuant to D.C. Official Code §1-309.06(d)(6)(D), If there is only one person qualified to fill the vacancy within the affected single-member district, the vacancy shall be deemed filled by the qualified person, the Board hereby certifies that the vacancies have been filled in the following single-member districts by the individuals listed below:

Tom Anstrom
Single-Member District 3C04

Thea Dyson
Single-Member District 8D06

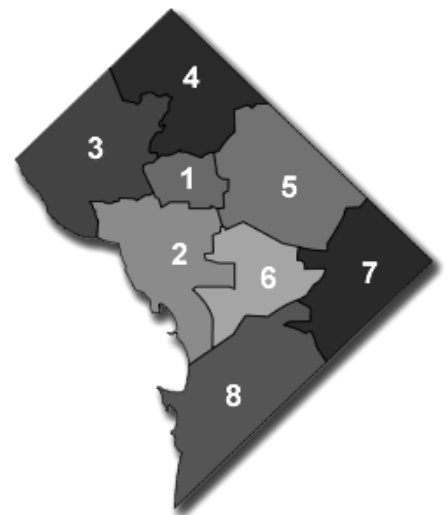
**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION SUMMARY
As Of JANUARY 31, 2015**

WARD	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	44,083	2,828	759	106	134	11,903	59,813
2	30,092	5,811	226	151	119	11,253	47,652
3	37,152	6,915	376	105	105	11,647	56,300
4	47,795	2,244	537	61	136	9,134	59,907
5	50,642	2,091	573	72	154	8,872	62,404
6	52,127	6,520	535	144	170	13,044	72,540
7	49,773	1,293	443	22	122	7,182	58,835
8	43,319	1,171	380	19	146	6,976	52,011
Totals	354,983	28,873	3,829	680	1,086	80,011	469,462
Percentage By Party	75.61%	6.15%	.82%	.14%	.23%	17.04%	100.00%

**DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF
VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS
AS OF THE END OF JANUARY 31, 2015**

COVERING CITY WIDE TOTALS BY:
WARD, PRECINCT AND PARTY

ONE JUDICIARY SQUARE
441 4TH STREET, NW SUITE 250N
WASHINGTON, DC 20001
(202) 727-2525
<http://www.dcboee.org>



D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 1 REGISTRATION SUMMARY
As Of JANUARY 31, 2015

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
20	1,435	33	7	2	7	224	1,708
22	3,751	346	30	10	10	1,002	5,149
23	2,834	183	55	10	7	746	3,835
24	2,444	246	34	8	5	780	3,517
25	3,803	420	63	8	6	1,151	5,451
35	3,445	225	63	10	6	983	4,732
36	4,314	270	73	6	9	1,177	5,849
37	3,213	135	54	8	10	758	4,178
38	2,780	134	64	10	11	740	3,739
39	4,174	224	83	6	14	1,039	5,540
40	3,982	207	105	10	17	1,138	5,459
41	3,405	190	68	10	16	1,071	4,760
42	1,810	69	33	3	8	487	2,410
43	1,701	74	20	3	4	385	2,187
137	992	72	7	2	4	222	1,299
TOTALS	44,083	2,828	759	106	134	11,903	59,813

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 2 REGISTRATION SUMMARY
As Of JANUARY 31, 2015

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
2	775	173	10	9	9	483	1,459
3	1,456	367	15	10	12	660	2,520
4	1,727	491	8	12	5	809	3,052
5	2,202	694	16	12	8	868	3,800
6	2,267	895	22	9	17	1,274	4,484
13	1,361	263	9	3		465	2,101
14	2,824	478	22	15	11	1,026	4,376
15	3,029	351	25	14	11	923	4,353
16	3,567	387	25	10	10	956	4,955
17	4,900	686	40	22	19	1,660	7,327
129	2,075	342	12	14	5	796	3,244
141	2,297	279	12	13	9	706	3,316
143	1,612	405	10	8	3	627	2,665
TOTALS	30,092	5,811	226	151	119	11,253	47,652

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 3 REGISTRATION SUMMARY
As Of JANUARY 31, 2015

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
7	1,241	407	20	2	2	577	2,249
8	2,381	625	28	4	7	776	3,821
9	1,135	485	8	9	8	491	2,136
10	1,759	427	18	7	8	659	2,878
11	3,413	974	43	12	10	1,439	5,891
12	473	195	1	0	2	213	884
26	2,901	357	23	6	4	949	4,240
27	2,449	289	19	9	3	618	3,387
28	2,245	521	39	8	5	749	3,567
29	1,225	248	11	2	8	397	1,891
30	1,257	224	15	3	4	284	1,787
31	2,359	329	21	4	8	593	3,314
32	2,689	321	24	4	5	620	3,663
33	2,907	337	31	7	8	753	4,043
34	3,658	487	31	14	7	1,190	5,387
50	2,094	280	17	5	9	489	2,894
136	845	123	7	3	1	325	1,304
138	2,121	286	20	6	6	525	2,964
TOTALS	37,152	6,915	376	105	105	11,647	56,300

**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 4 REGISTRATION SUMMARY
As Of JANUARY 31, 2015**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
45	2,215	75	37	5	6	444	2,782
46	2,857	83	36	5	10	547	3,538
47	2,967	147	40	5	11	723	3,893
48	2,756	133	30	5	6	558	3,488
49	852	38	14	0	4	199	1,107
51	3,282	546	22	5	6	650	4,511
52	1,281	181	5	0	3	221	1,691
53	1,241	74	21	1	5	268	1,610
54	2,330	89	29	1	5	491	2,945
55	2,408	70	24	1	9	445	2,957
56	3,090	89	35	6	11	678	3,909
57	2,516	75	38	6	14	457	3,106
58	2,286	56	18	2	4	371	2,737
59	2,590	90	33	6	10	416	3,145
60	2,153	76	23	3	6	691	2,952
61	1,598	52	12	1	2	286	1,951
62	3,129	122	28	1	2	376	3,658
63	3,504	130	52	1	11	664	4,362
64	2,242	57	18	3	5	332	2,657
65	2,498	61	22	4	6	317	2,908
Totals	47,795	2,244	537	61	136	9,134	59,907

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 5 REGISTRATION SUMMARY
As Of JANUARY 31, 2015

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
19	4,161	193	68	8	7	966	5,403
44	2,861	222	29	4	16	683	3,815
66	4,501	111	41	4	8	516	5,181
67	2,965	99	23	1	7	408	3,503
68	1,909	139	30	8	7	403	2,496
69	2,108	72	16	2	11	271	2,480
70	1,446	68	22	1	3	214	1,754
71	2,392	63	26	2	8	336	2,827
72	4,414	121	26	3	17	760	5,341
73	1,912	86	28	6	5	351	2,388
74	4,249	224	59	7	10	832	5,381
75	3,444	158	63	11	6	803	4,485
76	1,353	60	14	1	4	265	1,697
77	2,815	98	27	4	11	488	3,443
78	2,922	80	34	2	9	459	3,506
79	1,978	74	15	3	10	334	2,414
135	3,039	182	44	4	11	553	3,833
139	2,173	41	8	1	4	230	2,457
TOTALS	50,642	2,091	573	72	154	8,872	62,404

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 6 REGISTRATION SUMMARY
As Of JANUARY 31, 2015

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	4,416	443	45	13	14	1,076	5,737
18	4,411	294	43	13	11	967	5,739
21	1,182	56	18	2	2	266	1,526
81	4,803	386	46	7	17	1,004	6,263
82	2,597	260	27	6	8	597	3,495
83	4,141	512	41	18	11	1,085	5,808
84	2,046	436	27	6	7	567	3,089
85	2,695	508	24	10	9	751	3,997
86	2,293	282	28	3	11	508	3,125
87	2,767	243	19	2	10	583	3,624
88	2,196	316	15	2	8	558	3,095
89	2,613	671	25	11	7	791	4,118
90	1,639	267	11	4	7	473	2,401
91	4,139	370	43	11	14	1,007	5,584
127	3,997	293	55	12	13	835	5,205
128	2,336	210	34	7	7	644	3,238
130	810	335	9	3	3	302	1,462
131	1,949	472	12	12	6	641	3,092
142	1,367	166	13	2	5	389	1,942
TOTALS	52,127	6,520	535	144	170	13,044	72,540

**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 7 REGISTRATION SUMMARY
As Of JANUARY 31, 2015**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
80	1,565	88	15	1	4	273	1,946
92	1,654	38	11	2	6	250	1,961
93	1,619	47	18	2	6	229	1,921
94	2,071	51	19	0	3	298	2,442
95	1,774	45	18	0	2	319	2,158
96	2,435	68	22	0	9	378	2,912
97	1,505	39	17	1	4	205	1,771
98	1,863	45	23	1	6	261	2,199
99	1,472	41	15	1	6	241	1,776
100	2,269	42	16	1	4	291	2,623
101	1,691	32	18	1	5	186	1,933
102	2,541	52	23	0	6	335	2,957
103	3,695	96	39	2	13	591	4,436
104	3,136	86	23	2	13	458	3,718
105	2,427	64	23	3	4	402	2,923
106	3,044	66	24	0	8	457	3,599
107	1,975	60	17	1	5	306	2,364
108	1,135	28	7	0		129	1,299
109	960	33	7	0	1	97	1,098
110	3,815	94	25	3	6	426	4,369
111	2,594	56	27	0	6	389	3,072
113	2,253	62	21	1	3	282	2,622
132	2,280	60	15	0	2	379	2,736
TOTALS	49,773	1,293	443	22	122	7,182	58,835

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 8 REGISTRATION SUMMARY
As Of JANUARY 31, 2015

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
112	2,044	57	11	0	8	294	2,414
114	3,067	101	24	1	20	499	3,712
115	2,743	64	24	5	9	598	3,443
116	3,757	95	37	1	12	576	4,478
117	1,849	41	19	0	6	297	2,212
118	2,523	62	27	0	6	403	3,021
119	2,790	103	36	0	10	531	3,470
120	1,834	31	14	2	4	278	2,163
121	3,124	72	26	1	8	456	3,687
122	1,675	37	14	0	5	238	1,969
123	2,205	95	27	3	12	339	2,681
124	2,525	56	12	1	5	341	2,940
125	4,477	115	31	1	13	739	5,376
126	3,523	112	36	3	14	664	4,352
133	1,326	39	12	0	2	178	1,557
134	2,066	36	20	1	5	274	2,402
140	1,791	55	10	0	7	271	2,134
TOTALS	43,319	1,171	380	19	146	6,976	52,011

**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION ACTIVITY**

For voter registration activity between 12/31/2014 and 1/31/2015

NEW REGISTRATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Beginning Totals	356,292	28,764	3,807	641	1,104	79,836	470,444
Board of Elections Over the Counter	29	1	1	0	1	15	47
Board of Elections by Mail	57	4	1	1	0	20	83
Board of Elections Online Registration	2	0	0	0	0	0	2
Department of Motor Vehicle	1,312	240	17	33	4	459	2,065
Department of Disability Services	9	0	0	0	0	3	12
Office of Aging	0	0	0	0	0	0	0
Federal Postcard Application	0	0	0	0	0	0	0
Department of Parks and Recreation	0	0	0	0	0	0	0
Nursing Home Program	0	0	0	0	0	0	0
Dept. of Youth Rehabilitative Services	0	0	0	0	0	0	0
Department of Corrections	3	0	0	0	0	1	4
Department of Human Services	13	1	0	0	0	3	17
Special / Provisional	0	0	0	0	0	0	0
All Other Sources	42	6	1	0	0	14	63
+Total New Registrations	1,467	252	20	34	5	515	2,293

ACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Reinstated from Inactive Status	168	16	5	0	1	38	228
Administrative Corrections	582	32	0	0	30	385	1,029
+TOTAL ACTIVATIONS	750	48	5	0	31	423	1,257

DEACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Changed to Inactive Status	694	38	9	1	6	145	893
Moved Out of District (Deleted)	1	0	0	0	0	1	2
Felon (Deleted)	0	0	0	0	0	0	0
Deceased (Deleted)	2,749	148	16	0	8	294	3,215
Administrative Corrections	268	42	3	27	1	81	422
-TOTAL DEACTIVATIONS	3,712	228	28	28	15	521	4,532

AFFILIATION CHANGES	DEM	REP	STG	LIB	OTH	N-P	
+ Changed To Party	356	77	33	34	2	152	
- Changed From Party	-170	-40	-8	-1	-41	-394	
ENDING TOTALS	354,983	28,873	3,829	680	1,086	80,011	469,462

DISTRICT DEPARTMENT OF THE ENVIRONMENT**NOTICE OF PUBLIC COMMENT PERIOD****Draft Stormwater Management Plan**

The District Department of the Environment (the Department) is soliciting comments on a draft Stormwater Management Plan. Section 3 of the National Pollutant Discharge Elimination System permit for the District's Municipal Separate Storm Sewer System (NPDES Permit No. DC 0000221) directs the District to develop an updated Stormwater Management Program (SWMP) Plan, and to make this Plan available for public review and comment. The SWMP describes the District's existing and new strategies, elements, initiatives, schedules, and/or programs to reduce the discharge of pollutants from stormwater runoff. In accordance with this requirement, the Department has developed a draft Stormwater Management Plan, which is available on the Department's website at ddoe.dc.gov/draftswmp, or upon request by contacting the Department's Stormwater Management Division at (202) 741-2136.

The Department is committed to considering the public's comments while finalizing this Plan. Interested persons may submit written comments on the draft Plan, which must include the person's name, telephone number, affiliation, if any, mailing address, a statement outlining their concerns, and any facts underscoring those concerns. All comments must be submitted within sixty (60) days after the date of publication of this notice in the *D.C. Register*.

Comments should be clearly marked "Stormwater Management Plan" and either (1) mailed or hand-delivered to DDOE, Stormwater Management Division, 1200 First Street, N.E., 5th Floor, Washington, DC 20002, Attention: Stormwater Management Plan, or (2) e-mailed to jonathan.champion@dc.gov.

The Department will consider all timely received comments before finalizing the plan. All comments will be treated as public documents and will be made available for public viewing on the Department's website. When the Department identifies a comment containing copyrighted material, the Department will provide a reference to that material on the website. If a comment is sent by e-mail, the email address will be automatically captured and included as part of the comment that is placed in the public record and made available on the Department's website. If the Department cannot read a comment due to technical difficulties, and the email address contains an error, the Department may not be able to contact the commenter for clarification and may not be able to consider the comment. Including the commenter's name and contact information in the comment will avoid this difficulty.

KIPP DC PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS****E-Rate Eligible Basic Maintenance**

KIPP DC is soliciting proposals for E-Rate eligible Basic Maintenance services on Networking Equipment for all seven KIPP DC facilities. A detailed Request for Proposal can be found on KIPP DC's website at <http://www.kippdc.org/public-information/> beginning February 20, 2015. Proposals are due no later than 5:00 P.M., EST, Friday, March 20, 2015.

DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT**MEETING NOTICE AND AGENDA**

Pursuant to D.C. Official Code § 10-1906, the Walter Reed Local Redevelopment Authority and Community Advisory Committee will hold a public meeting at the following time and location:

February 25, 2015

6:30pm – 8:00pm

Fort Stevens Recreation Center

Multipurpose Room #150

1327 Van Buren Street, N.W., D.C. 20012

MEETING AGENDA

- I. Opening Remarks
- II. LRA Project Overview and Update
- III. Transportation
- IV. Walter Reed Zoning Resolution
- V. Master Development Team overview and update
- VI. Questions

For questions, please contact Martine Combal, Walter Reed Local Redevelopment Authority Director at 202-727-6365 or martine.combal@dc.gov.

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMEND FOR APPOINTMENTS OF NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after March 15, 2015.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on February 20, 2015. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

**D.C. Office of the Secretary
Recommended for appointment as a DC Notaries Public****Effective: March 15, 2015****Page 2**

Anderson	Ester	Self 38 Brandywine Street, SW	20032
Armstrong	Jennifer	DC Department of Human Resources 441 4th Street, NW, Suite 354 North	20001
Baker	Regina	Unity Health Care Inc. 40 Patterson Street, NE	20002
Beirne	Michael	Wells Fargo Bank 215 Pennsylvania Avenue, SE	20003
Bernard	Daniel James	First Excel Title, LLC 5335 Wisconsin Avenue, NW, Suite 440	20015
Blake	Deborah J.	Freshfields Bruckhaus Deringer, US LLP 700 13th Street, NW, 10th Floor	20005
Blanco	Jannina J.	Pillsbury Winthrop Shaw Pittman, LLP 1200 Seventeenth Street, NW	20036
Bowen	Katie E.	Potomac River Capital, LLC 1750 K Street, NW	20006
Brown	Gail L.	Overseas Private Investment Corporation 1100 New York Avenue, NW	20527
Bynes	Jocelyn F.	PNC Bank 601 Pennsylvania Avenue, NW	20004
Campbell	Cindy	Unity Health Care Inc. 1220 12th Street, SE, Suite 120	20003
Chan	Anna	Chemonics International Inc. 1717 H Street, NW	20006
Chavez	Raquel	Inter-American Development Bank 1300 New York Avenue, NW	20577
Cherisca	Anoucheka C.	Baker Botts, LLP 1299 Pennsylvania Avenue, NW, Suite 1000	20004

**D.C. Office of the Secretary
Recommended for appointment as a DC Notaries Public**

Effective: March 15, 2015

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Cho	Jennifer S.	Pascal & Weiss, P.C. 1008 Pennsylvania Avenue, SE	20003
Clanagan	Dorothy L.	PNC Bank 1405 P Street, NW	20005
Coats	Sarah	Children's Law Center 616 H Street, NW	20011
Collings	Chelsea E.	Americans United for Separation of Church and State 1901 L Street, NW, Suite 400	20001
Colliton	Kathleen D.	Fannie Mae 3900 Wisconsin Avenue, NW	20016
Connolly	Meg	Clark Construction Group 409 3rd Street, SW, Suite C-900	20024
Cook	Wahneek L.	Chicago Title Insurance Company 2000 M Street, NW, Suite 610	20036
Dosunmu	Priscilla Mclain	Securities Investor Protection Corporation 805 15th Street, NW, Suite 800	20005
Dove	Lamont	PNC Bank 1913 Massachusetts Avenue, NW	20006
Doyle	Shane	CQ Roll Call 77 K Street, NE	20002
Dunning	Laura L.	Akin Gump Strauss Hauer & Feld LLP 1333 New Hampshire Avenue, NW	20036
Fitzgerald	Mark	Stewart Title 1730 Rhode Island Avenue, NW, Suite 610	20036
Ford	Pamela M.	National Cable & Telecommunications Association 25 Massachusetts Avenue, NW, Suite 100	20001
Ford	Stanley C.	SCF Management LLC 1433 T Street, NW, Suite T-10	20009

**D.C. Office of the Secretary
Recommended for appointment as a DC Notaries Public**

Effective: March 15, 2015

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Fowler	Beth L.	Robbins, Russell, Englert, Orseck, Untereiner & Sauber LLP 1801 K Street, NW, Suite 411L	20006
Gentile	Joseph	Federal Title and Escrow Company 5335 Wisconsin Avenue, NW, Suite 700	20015
Harris, IV	Robert A.	Harris Law Firm PLLC 5335 Wisconsin Avenue, NW, Suite 440	20015
Havers	Joseph	Lincoln Property Company 1307 New York Avenue, NW	20005
Hernandez	William	Power Brokers Property LLC 1315 Park Road, NW	20010
Holmes	Tanisha B.	DC Department of Human Resources 441 4th Street, NW, Suite 330South	20001
Howland	Sophia Christine	Bank of America 1090 Vermont Avenue, NW	20005
Johnson	Lisa S.	Department of Housing & Urban Development 451 7th Street, SW	20410
Juarez	Peggy	DDC 805 15th Street, NW, Suite 300	20005
Khan	Faizul R.	Self 2122 Massachusetts Avenue, NW, Apt. 503	20001
Kitchen	Linda A.	The George Washington University 801 22nd Street, NW, Suite B148	20052
Lee	Mark	Gain NoSCA 1776 Massachusetts Avenue, NW	20036
Martin	Paula	Cadwalader 700 6th Street, NW, Suite 1200	20001
McMahon	Elizabeth	Pillsbury Winthrop Shaw Pittman LLP 1200 17th Street, NW	20036

D.C. Office of the Secretary
Recommended for appointment as a DC Notaries PublicEffective: March 15, 2015
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Miller	Avinoam	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	20036
Minick	Kyra	Wells Fargo Bank 1901 7th Street, NW	20001
Morse	Yazzmen	Wells Fargo Bank 1700 Pennsylvania Avenue, NW	20006
Nimocks	David Robert	Alliance Defending Freedom 801 G Street, NW, Suite 509	20001
Ogbodo	Emmanuel	Wells Fargo Bank 444 North Capital Street, NW	20001
Pamepinto	Michael	PNC Bank 1913 Massachusetts Avenue, NW	20006
Partin	Vanessa G.	Kirkland & Ellis 655 15th Street, NW	20005
Pasternack	Mary A.	Covington & Burling LLP 850 10th Street, NW	20001
Pellot	Madelin	CTF Development Inc. 1300 19th Street, NW, Suite 401	20036
Ponder	Patricia	Search for Common Ground 1601 Connecticut Avenue, NW, Suite 200	20009
Prescott	Brittany M.	Wells Fargo Bank 444 North Capital Street, NW	20001
Rice	Trina	DLA Piper LLP 500 8th Street, NW	20004
Richardson	Wayne	Schiff Hardin LLP 901 K Street, NW	20001
Ruiz	Tina	Barclays Capital 2001 K Street, NW, Suite 1125	20006

**D.C. Office of the Secretary
Recommended for appointment as a DC Notaries Public****Effective: March 15, 2015****Page 6**

Schrader	Mark	Millennium Title Company 815 7th Street, NE	20002
Smallwood	Lisa Michelle	Capitol Title Insurance Agency, Inc. 1501 27th Street, SE, Unit 305	20020
Smith	Mary C.	Gilbert LLP 1100 New York Avenue, NW, Suite 700	20005
Solomon	Steven	Solomon and Maged, P.C. 59 Quincy Place, NW	20001
Sundstrom	Nancy A.	Department of Labor Federal Credit Union 200 Constitution Avenue, NW, S3220	20210
Swanson Sr.	Jerry D.	S & K Security, Inc. 1818 New York Avenue, NE, Suite 223	20002
Tafalla	Evelyn D.	HUD Federal Credit Union 451 7th Street, SW	20410
TenEyck	Jean	Passportsandvisas.com 1701 Pennsylvania Avenue, NW	20009
Thompson	Gladys K.	Skadden, Arps, Slate, Meagher & Flom LLP 1440 New York Avenue, NW	20005
Waddy	Francine D.	Amalgamated Casualty Insurance Co. 500 Morse Street, NE	20002
Wangel	Jacqueline	Carmel and Carmel, P.C. 2141 Wisconsin Avenue, NW, Suite M	20007
Weaver	Hana Angela	First Excel Title, LLC 5335 Wisconsin Avenue, NW, Suite 440	20015
Williams	Mary C.	Law Office of Mary C. Williams, PLLC 1629 K Street, NW, Suite 300	20006
Williams	Shana A.	Louis Berger 1250 23rd Street, NW	20037

**D.C. Office of the Secretary
Recommended for appointment as a DC Notaries Public****Effective: March 15, 2015****Page 7**

Willis	Alitrice	Branch Banking and Trust Company 1909 K Street, NW	20006
Wright	Sean	PNC Bank 1913 Massachusetts Avenue, NW	20006
Young	Annette	Action Recording 300 62nd Street, NE, #104	20019
Young-Clayborne	LaTonya M.	Barkan Management Company (River Park Mutual Homes, Inc.) 1301 Delaware Avenue, SW	20024

TWO RIVERS PUBLIC CHARTER SCHOOL

REQUESTS FOR PROPOSALS

NMTC Finance Closing

Two Rivers Public Charter School is seeking proposals from consultants to structure New Market Tax Credit finance closing. For a copy of the full RFP, please contact Sarah Richardson at procurement@tworiverspcs.org. Proposals are due February 27, 2015.

WASHINGTON YU YING PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS (RFP)**

Washington Yu Ying Public Charter School is seeking proposals from individuals or companies to provide the following services:

CLASSROOM & OFFICE FURNITURE for team work spaces. Examples of furnishings could include student chairs, trapezoid activity tables, student desks, front lobby furniture, and office furniture. Much of the student furniture needs to be manufactured by Arcto-Bell and JontiCraft. Please include information on pricing, and services available regarding delivery, installation and inventory tagging. Deadline for submissions is close of business March 9, 2015.

ENRICHMENT CLASSES FOR STUDENTS IN AFTER SCHOOL CARE
We are seeking classes that include a variety of fun activities including: STEAM (science, technology, engineering, art, and math) activities, traditional and contemporary “making” activities, exploration of living things, celebrations, games, sport, group projects, creative play, and more. Bids must include evidence of experience in field, qualifications, and estimated fees. Deadline for submissions is close of business March 9, 2015

SPECIAL EDUCATION SERVICE PROVIDERS

Washington Yu Ying PCS is seeking Special Education Services, including but not limited to: Occupational Therapy, Physical Therapy, Speech and Language Therapy, and Comprehensive Psychological Evaluations. Special Education Service Providers will be required to attend IEP meetings and to assist in writing IEPs. These services are to be offered at Washington Yu Ying PCS during school hours to students who require specialized services. Bids must include evidence of experience in field, qualifications, and estimated fees. Deadline for submissions is close of business March 9, 2015

PLEASE E-MAIL PROPOSALS AND SUPPORTING DOCUMENTS TO:

rfp@washingtoneying.org.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18687 of William L. Ricks, as amended, pursuant to 11 DCMR § 3103.2, for variances from the lot area requirements under § 401.3 and from the open court requirements under § 406.1 to allow a three-unit apartment house in the R-4 District at premises 3007 11th Street, N.W. (Square 2851, Lot 99).¹

HEARING DATES: January 7, 2014, May 6, 2014, and June 24, 2014

DECISION DATE: June 24, 2014

DECISION AND ORDER

This self-certified application was submitted on October 18, 2013 by William L. Ricks (the “Applicant”), the owner of the property that is the subject of the application. The application requests variance relief from the lot area requirements under § 401.3 and from the open court requirements under § 406.1 to approve the prior unlawful conversion of a one-family row dwelling into a three-unit apartment house in the R-4 District at premises 3007 11th Street, N.W. (Square 2851, Lot 99) (the “Subject Property”). Following three public hearings, the Board voted to deny the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated October 22, 2013, the Office of Zoning provided notice of the application to the Office of Planning (“OP”); the District Department of Transportation (“DDOT”); the Councilmember for Ward 1; Advisory Neighborhood Commission (“ANC”) 1A, the ANC in which the subject property is located; and Single Member District/ANC 1A11. Pursuant to § 3113.13, the Office of Zoning mailed letters on October 28, 2013 providing notice of the hearing to the Applicant, ANC 1A, and the owners of all property within 200 feet of the subject property. Notice of hearing was published in the *D.C. Register* on November 1, 2013 at 60 DCR 15221.

Party Status. The Applicant and ANC 1A were automatically parties to this proceeding.

Applicant’s Case. The Applicant submitted evidence and gave testimony describing his proposed use of the property as a three-unit apartment building. The Applicant argued that variance relief would not have a detrimental impact, as he had already completed the conversion and had used the structure as a three-unit apartment house without a negative impact on neighboring properties. Additionally, the Applicant indicated that he had detrimentally relied on his

¹ The application originally requested variance relief from the rear yard requirements of § 404.1, but was subsequently amended to eliminate this request. As OP noted in its report, the Applicant proposes no changes to the structure and the building maintains its original 1908 footprint, therefore rear yard relief is unnecessary.

**BZA APPLICATION NO. 18687
PAGE NO. 2**

acceptance into the District of Columbia Housing Authority (“DCHA”) Rent Voucher Program. The Applicant testified that he interpreted DCHA’s issuance of vouchers for two rental units as a grant of permission to use the dwelling as a three-unit apartment house, despite his failure to obtain a building permit or Certificate of Occupancy from the Department of Consumer and Regulatory Affairs (“DCRA”). After the initial hearing, the Applicant submitted DCHA application forms, contracts, and inspection forms to support his argument of detrimental reliance. (Exhibit 29A-B.)

OP Report. By memorandum dated December 31, 2013, the Office of Planning (“OP”) recommended denying the application. OP contended that the Applicant failed to show any exceptional conditions on the Subject Property. OP also noted that the increase in density would not be consistent with the one-and-two-family dwellings permitted in the R-4 District. (Exhibit 27.) In response to the Applicant’s supplemental filings, OP provided a report reiterating its recommendation to deny variance relief. (Exhibit 30.)

DDOT Report. By memorandum dated December 17, 2013, the District Department of Transportation (“DDOT”) indicated that it had no objection to the relief requested. (Exhibit 26.)

ANC Report. By letter dated November 14, 2013, ANC 1A indicated that it discussed the application at its properly noticed meeting on November 13, 2013. With a quorum present, the ANC voted 11-0-0 to support the application. The ANC based its support on the desire for more density in the neighborhood and on the fact that the conversion would not require changing the footprint or height of the structure. (Exhibit 24.)

Persons in support. A petition in support signed by 68 neighbors of the Applicant was filed to the record. (Exhibit 29A).

FINDINGS OF FACT

1. The property is a rectangular lot located on the east side of 11th Street, N.W. between Irving Street, N.W. and Columbia Road, N.W. at 3007 11th Street, N.W. (Square 2851, Lot 99) (the “Subject Property”).
2. Prior to the event described in this Order, the Subject Property was improved with a two-and-a-half-story one-family row dwelling constructed in 1908. As will be explained, the structure was unlawfully converted into a three-unit apartment house.
3. The lot has rear access to a 10-foot wide public alley.
4. The Subject Property is located within the R-4 Zone District, which permits one-family and two-family dwellings (also known as “flats”), and row dwellings, as a matter of right.² (11 DCMR § 330.5.)

² A row dwelling in a one-family dwelling with no side yards. (11 DCMR 199.1, definition of “dwelling, row.”)

BZA APPLICATION NO. 18687**PAGE NO. 3**

5. The R-4 zone also permits the conversion of a building or other structure existing before May 12, 1958, to an apartment house provided that there is 900 square feet of land area for each unit. (11 DCMR § 330.5 (e).)
6. The other lots on the east side of the 3000 block of 11th Street, N.W. are similar in size to the Subject Property, ranging from approximately 1,200 to 1,461 square feet.
7. The one-family row dwelling on the Subject Property was nonconforming in terms of lot occupancy, rear yard, and open court requirements. The Subject Property has a lot occupancy of 73%, whereas the maximum lot occupancy permitted in the R-4 District for row dwellings is 60%. (11 DCMR § 403.2.³) The rear yard measures 16 feet wide while § 404.1 requires a minimum width of 20 feet. The open court is 5.4 feet wide where a six foot wide court is required for one-family dwellings by § 406.1
8. The Applicant purchased the Subject Property in 1979. In 1999, he began renovations to convert the one-family row dwelling into a three-unit apartment house without a building permit.
9. The Applicant intended to occupy the first floor of the dwelling and rent the basement and second floor units to residential tenants.
10. On September 20, 2007, the Applicant submitted application MS111549 to the DCRA requesting a construction permit to convert the row dwelling into three units. On February 25, 2008, the application was withdrawn and no permit was issued.
11. Without a building permit from DCRA, the Applicant finished the conversion, creating independent units in the basement, first floor, and second floor.
12. In 2009, the Applicant was accepted into the District of Columbia Housing Authority's Housing Choice Voucher Program. Based on the information provided by the Applicant, DCHA provided rent vouchers for tenants in the basement and second floor units. DCHA did not require the Applicant to provide a Certificate of Occupancy or other documentation from DCRA during the application process.
13. The Applicant believed that the issuance of the rent vouchers by DCHA signified that no further steps were necessary for the legal conversion of the Subject Property into a three-unit apartment house.

³ The conversion actually reduced the subject property's nonconformity with respect to lot area, in that lawful converted apartment houses are permitted a lot occupancy of 60%. *Id.*

BZA APPLICATION NO. 18687**PAGE NO. 4**

14. The Applicant estimates that he invested over \$250,000 in the renovation and conversion process since 1999.
15. The Applicant rented out the basement and second floor units to residential tenants from 2009 until 2013 without obtaining a Certificate of Occupancy from DCRA.
16. In 2013, the Applicant became aware of zoning compliance issues. At that time, the Applicant ceased renting the two units and applied for a building permit with DCRA.
17. On March 8, 2013, DCRA issued a building permit for the Applicant to convert the row dwelling into a two-unit flat. The permit required the Applicant to remove the dwelling's third Pepco meter before being issued a Certificate of Occupancy or to seek variance relief to allow a three-unit apartment house.
18. The Applicant proposes to maintain the three converted units, each with a lot area of 452.7 square feet. Because § 401.3 requires a minimum lot area of 900 square feet per unit, variance relief is required.
19. As noted, the building provides a 5.4 foot wide nonconforming open court whereas a six foot wide open court is required for one-family dwelling. However the minimum width for an open court for all other structures in the R-4 District is 10 feet.⁴ Because the Applicant seeks approval for a converted three-unit apartment house, a variance from § 406.1 is needed.
20. The R-4 District is not intended to be an apartment house district, and therefore, conversions are controlled by a minimum lot area per family requirement. (11 DCMR § 330.3.)

CONCLUSIONS OF LAW AND OPINION

The Applicant requests variance relief from the lot area requirements of § 401.3 and from the open court requirements of § 406.1 to allow a converted three-unit apartment house in the R-4 District at premises 3007 11th Street, N.W. (Square 2851, Lot 99). The Board is authorized under § 8 of the Zoning Act of 1938, D.C. Official Code § 6-631.07 (g)(3) (2012 Repl.) to grant variance relief from the strict application of the Zoning Regulations. As noted by the District of Columbia Court of Appeals:

An applicant must show, first, that the property is unique because of some physical aspect or "other extraordinary or exceptional situation or condition" inherent in the property; second, that strict application of the zoning regulations will cause undue hardship or practical difficulty to the applicant; and third, that granting the variance will do no harm to the public good or to the zone plan.

⁴ It therefore unclear why DCRA issued the building permit for a flat, since § 406.1 also requires at least a 10 foot wide open court for that.

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Capitol Hill Restoration Society v. District of Columbia Bd. of Zoning Adjustment, 534 A.2d 939, 941 (D.C. 1987).

The “exceptional situation or condition” of a property can arise out of “events extraneous to the land,” including the zoning history of the property. See *De Azcarate v. District of Columbia Bd. of Zoning Adjustment*, 388 A.2d 1233, 1237 (D.C. 1978). Further, an applicant’s “good faith detrimental reliance on zoning actions” can contribute to the uniqueness of a property. *Monaco v. District of Columbia Bd. of Zoning Adjustment*, 407 A.2d 1091, 1097-98 (D.C. 1979).

For the second prong of the variance test, the Court of Appeals has held that the more stringent “undue hardship” standard applies to use variances, while an applicant seeking an area variance must show only “practical difficulties.” *Palmer v. District of Columbia Bd. of Zoning Adjustment*, 287 A.2d 535, 540-41 (D.C. 1972). The Court did not explicitly define “practical difficulties,” but notes that an applicant must show that strict compliance with the Zoning Regulations would be “unnecessarily burdensome.” *Id.* at 542.

The Board finds that the Applicant has failed to show an exceptional situation or condition inherent in the Subject Property. The lot size, though small and nonconforming, is similar to other lots in the neighborhood. The lot is rectangular like nearby properties, is similarly developed, and abuts the same public alley. Further, the Board finds that the Applicant has not demonstrated “good faith detrimental reliance on zoning actions” that would constitute a unique zoning history and create an exceptional condition.

The Applicant claims that he detrimentally relied on the actions of the District of Columbia Housing Authority when the agency accepted his application to the Housing Choice Voucher Program and issued rent vouchers for two rental units in 2009. The Applicant claims that, in reliance on this approval, he invested over \$250,000 in converting the property starting in 1999.

Section 10 of the Zoning Act of 1938 makes it illegal to erect, construct, reconstruct, convert or alter any building in the District of Columbia without a building permit. (D.C. Official Code § 6-641.09 (2012 Repl.)) That section also provides that no such permit may issue unless “the plans of and for the proposed erection, construction, reconstruction, conversion, or alteration fully conform to ... the regulations adopted under” the Zoning Act. The record reflects that the Applicant began to convert his row dwelling into a three-unit apartment house in 1999 without a building permit. Although the Applicant applied for a building permit in 2007, the request was later withdrawn. Had the Applicant applied for and not withdrew his request for a building permit, he would have been advised that variance relief was required and would not have expended the sums of money he did. Since it was the Applicant’s unlawful act of undertaking a renovation without a building permit which led to the expenditures complained of, the Board can properly deny what amounts to equitable relief based upon the doctrine of “unclean hands.”⁵

⁵ Although an administrative tribunal, the Board notes that “courts of equity have traditionally exercised their discretion to deny relief to parties who have acted in bad faith.” *Albergottie v. James*, 470 A.2d 266, 269 (D.C. 1983).

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Further, the Applicant's claimed reliance upon the actions of DCHA does not constitute "detrimental reliance on zoning actions." First, any alleged detriment occurred prior to the DCHA actions and second DCRA and its Zoning Administrator are the only entities authorized to determine whether proposed construction complies with the Zoning Regulations. The Applicant points to no action by DCRA or the Zoning Administrator that caused him to believe he could lawfully convert the building to an apartment house use. Thus, this application is distinguished from cases where an applicant detrimentally relied on assurances from the Office of Zoning or approval from DCRA. *See, Application No. 18570 of 1845 North Capitol Street NE LLC* (2013) (variance from § 401.3 granted after DCRA issued building permit to renovate three-unit apartment house believing it to be a nonconforming use, but later denied certificate of occupancy after concluding that the use had been abandoned).

Since there is no exceptional condition existing on or related to the property, the Board need not analyze how, as a result of any such condition, strict compliance with the Zoning Regulations would result in a practical difficulty.

As to the final prong of the variance test, the Board finds that the conversion would not be a substantial detriment to the public good, but that granting the requested relief would cause substantial harm to the zoning regulations. The Board credits ANC 1A and the letters in support from neighbors, which note that the dwelling has previously operated as a three-unit apartment house without a negative impact on neighboring properties. However, the Board concurs with OP that granting the relief would cause substantial harm to the zone plan. The R-4 District is not intended to be an apartment house district, and to that end, specific regulatory requirements were put in place to prevent conversions of this nature. (11 DCMR § 330.3.) Although there may be factors that counter these considerations, none are presented here. Therefore, permitting such as conversion in this case would cause substantial harm to the zone plan.

The Board is required to give "great weight" to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2012 Repl.)) For the reasons discussed, the Board concurs with OP's recommendation to deny the relief requested.

The Board is also required to give "great weight" to the issues and concerns raised by the affected ANC in its written report. (Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) The ANC voted to support the application, based on the desire for more density in the neighborhood and the fact that the conversion would not require changing the footprint or height of the structure. The ANC's concerns were only relevant to the third prong of the variance test pertaining to the potential harm of granting the relief requested. As discussed, the Board concurred with the ANC in its finding regarding the public good. The ANC did not address the first and second prong of the variance test. The Board found that the Applicant failed the first and second prong of the test, there was no unique or exceptional condition on or related to the

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property. And, as there was no exceptional condition existing on or related to the property, there could not be a practical difficulty arising from such a condition of the property. Therefore, the Board cannot follow the ANC's recommendation that the application be granted.

Based on the findings of fact and conclusions of law, the Board finds that the Applicant has not satisfied the burden of proof with regard to the request for variance relief from the lot area requirements under § 401.3 and from the open court requirements under § 406.1 to allow a three-unit apartment house in the R-4 District at premises 3007 11th Street, N.W. (Square 2851, Lot 99). Accordingly, it is **ORDERED** that the application is **DENIED**.

VOTE: 3-0-2 (Lloyd J. Jordan, Marnique Y. Heath, and Jeffrey L. Hinkle to DENY; S. Kathryn Allen and Robert E. Miller not present, not voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: February 11, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18708 of Amir Motlagh, as amended,¹ pursuant to 11 DCMR § 3104.1 for a special exception under § 2516, and pursuant to 11 DCMR § 3103.2 for area variance relief from the requirements of § 2516.5(b), to allow the construction of a one-family detached dwelling on a theoretical lot under § 2516, in the R-1-A District at premises 4509 Foxhall Crescents Drive, N.W. (Square 1397, Lot 960).

HEARING DATES: February 11, 2014, July 8, 2014, September 30, 2014,
October 28, 2014, and November 5, 2014

DECISION DATE: November 5, 2014

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 5 (original) and 51 (revised).)

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”) 3D, which is automatically a party to this application, and to owners of property within 200 feet of the site. ANC 3D submitted a letter dated September 29, 2014 stating that at its September 10, 2014 meeting, at which a quorum was present, the ANC voted 8-0-1 to take no position on the application. (Exhibit 49.)

The Office of Planning (“OP”) submitted a timely initial report (Exhibit 47) as well as a supplemental report (Exhibit 53) indicating that it could not recommend approval of the application because it wished to have more information regarding alternate footprints for the proposed house for the purpose of saving a 47” diameter tulip poplar tree on the Property. The Board considered and has given great weight to OP’s objection regarding the tulip poplar tree, but the Board was satisfied that the Applicant had done adequate preparation in regard to tree preservation by seeking professional evaluation of the project by a respected certified arborist and by presenting a tree preservation plan prepared by that arborist. The Board also acknowledged that the tree preservation plan contemplated a net loss of only two trees as a result of the construction of the new house.

¹ The Applicant amended the application to include variance relief from § 2516.5(b) (Exhibit 51) and this amendment is reflected in the caption.

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The District Department of Transportation filed a timely report dated January 27, 2014 expressing no objection to the application. (Exhibit 30.)

There was one party status application in support of the application from Jody Westby of 4501 Foxhall Crescents Drive, N.W. (Exhibit 36). There were four requests for party status in opposition to the application from the following: Foxhall Crescents Homeowners Association (Exhibit 26); Patricia Godley of 4513 Foxhall Crescents Drive, N.W. (Exhibit 27); Robert & Phoebe Sharkey of 4514 Foxhall Crescents Drive, N.W. (Exhibit 28); and Andrew Wong of 4507 Foxhall Crescents Drive, N.W. (Exhibit 29). The Board granted party status to all opposition party applicants and consolidated the parties into one party under the name "Foxhall Crescents Homeowners Association, Inc." (the "Association"). The Association, represented by counsel, subsequently withdrew its party status subject to a settlement agreement entered into between the Association and the Applicant. (Exhibits 62 (Agreement) and 65 (Appendix A). Other than ANC 3D and the Association, there were no other parties to the proceedings.

A letter from the Embassy of the Federal Republic of Germany, located at 1900 Foxhall Road, N.W., expressed concerns with the proposed application. (Exhibit 54.) A letter in opposition from the resident of 4512 Foxhall Crescents Drive, N.W. was filed in the record. (Exhibit 58.)

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception relief under § 2516. The Board also required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for variance relief pursuant to § 3103.2 from the strict application of the front yard requirements under § 2516.5(b).

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that in seeking the special exception relief, the Applicant has met the burden of proof pursuant to 11 DCMR §§ 3104.1 and 2516, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board also concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 3103.2, for variance relief from § 2516.5(b), 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 requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not otherwise prohibited by law. It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO THE USER AGREEMENT AT EXHIBIT 62 AND PLANS AT EXHIBITS 10, 63, 65, AND 66 AND THE FOLLOWING CONDITIONS:**

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1. **Communication**: The Applicant shall provide an established point of contact for construction who shall be responsible for providing an updated schedule and timetable for the project, weekly updates and notice of any significant events. The contact shall be available by cell phone and electronic mail and shall respond promptly to any inquiries and complaints.
2. **Storm Water Management (“SWM”)**: The Applicant shall provide a DDOE-approved system, including non-required infiltration trench; utilization of existing SWM system; and provide coordination with 4507 Foxhall Crescents’ storm water discharge pipe on the Property.
3. **Landscaping Plan**: The Applicant shall implement the approved Landscaping Plan as provided in Exhibit 63, including tree removal and new plantings.
4. **Erosion and Sediment Control**: During construction, the Applicant shall implement DDOE-required erosion and sediment control methods.
5. **Staged/Escorted Heavy Construction Traffic**: The Applicant shall ensure that excavation and large/heavy construction vehicles and deliveries shall be staged and escorted to the Property to avoid blocking the roadway.
6. **Limits on Construction Vehicles**: The Applicant shall limit construction vehicles to Monday – Friday, 8:00 a.m. to 5:00 p.m.
7. **Hours of Construction**: The Applicant shall limit the hours of construction for Excavation, Site Work and Shell to Under Roof to Monday – Friday, 8:00 a.m. to 5:00 p.m. and Interior Build Out: Monday – Friday, 7:00 a.m.-7:00 p.m.
8. **Construction Vehicles**: The Applicant shall ensure that construction vehicles are maintained on the Property; there shall not be any Standing or Parking on private streets, except during actual operation or delivery.
9. **Construction Equipment and Vehicles**: All construction equipment and vehicles shall be stored and maintained on the Property.
10. **No Dumpster**: The Applicant shall ensure that no dumpster shall be located or maintained on the private streets.
11. **No Construction Parking**: Construction workers, suppliers or other construction-related personnel and vehicles shall be prohibited from parking, standing, waiting or idling in the private streets. All parking will on the Property or off-site.

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12. **Road Repairs**: The Applicant shall be responsible for the prompt repair and replacement of any cuts or damage to the private roadway surfaces as a result of construction activities (exclusive of normal wear and tear and general public use of the streets).
13. **Cleanliness**: The Applicant shall be required to maintain a clean work-site and surrounding private streets, including removal of trash, dirt and mud and other debris from construction at the end of each work day. No construction related trash or materials will be deposited in the private trash cans belonging to adjoining properties.
14. **Additional Insureds**: The Foxhall Crescents Homeowners Association (“FCHOA”) and the owners of 4507 and 4513 Foxhall Crescents shall be named as additional insureds on all liability and construction insurance policies for the Property and project.

VOTE: **3-0-2** (Lloyd J. Jordan, Marnique Y. Heath, and Michael G. Turnbull to APPROVE; S. Kathryn Allen and Jeffrey L. Hinkle not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: February 11, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR 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.

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AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18866 of Planned Parenthood Association of DC, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for variances from the court (§ 536) and parking (§ 2101.1) requirements and a special exception and for office use (§ 508) to allow a new mixed use residential and commercial office building in the SP-2 District at premises 1108 16th Street, N.W. (Square 183, Lot 111).¹

HEARING DATES: December 2, 2014 and January 27, 2015

DECISION DATE: January 27, 2014

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 10.)

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") 2B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. ANC 2B filed a report, which indicated that at a properly noticed, scheduled public meeting held on October 8, 2014, with a quorum of Commissioners present, the ANC voted 6-0 to support the application. (Exhibit 27.)

The Office of Planning ("OP") submitted a report indicating its support of the application.² (Exhibit 35.) The District Department of Transportation ("DDOT") submitted a timely report of no objection to the application with conditions. (Exhibit 31.)

Letters from neighbors and testimony of support from Cheryl Cort on behalf of the Coalition of Smarter Growth were submitted to the record. (Exhibits 33, 34, and 41.)

Variance Relief

¹ The Applicant amended the application and the amended request is for variance relief under § 2101.1 only from the parking requirements for the commercial elements of the building and not from both § 2101.1 and § 2120, as originally advertised. The Applicant's requests for a variance from court requirements under § 536 and special exception relief under § 508.1 to allow office use remain the same. The caption has been amended accordingly. The Applicant revised its plans for the project by lowering the number of units from the originally requested 20 units to 15 units and removed the roof top trellis. The Applicant added one parking space and thus is requesting variance relief from the required nine parking spaces for the commercial office space, while providing the required four parking spaces for the residential use on-site. (Exhibit 39.)

² OP requested and the Board granted a waiver of the time requirements for OP to file its report.

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As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance under § 3103.2 from the court (§ 536) and parking requirements (§ 2101.1) to allow a new mixed use residential and commercial office building in the SP-2 District. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 3103.2 for variances under §§ 536 and 2101.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty or undue hardship for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception for office use under § 508, to allow a new mixed use residential and commercial office building in the SP-2 District. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1 and 508, 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 requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED SUBJECT TO THE APPROVED REVISED PLANS AT EXHIBITS 36 AND 39A AND THE FOLLOWING CONDITIONS:**

1. The Applicant shall disseminate information regarding phone apps that provide access to alternative commuting means that include Uber, Ridescout, Car2Go, DC Rider, Metro's Rid Planner, and SpotCycle.

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2. The Applicant shall install a TransitScreen that will provide residents and office patrons a quick guide to access a Metrobus, Metrorail train, Capital Bikeshare bike, Car2Go, ZipCar, or Sidecar.
3. The Applicant shall provide each new tenant a one year carsharing or Capital Bikeshare membership.
4. The Applicant shall provide materials as part of the move-in package that includes a map of the Capital Bikeshare stations and recommend SpotCycle as a useful phone app.
5. Prior to securing a Certificate of Occupancy, the Applicant shall provide nine off-site parking spaces by a lease agreement with a garage in the vicinity of the building.

VOTE: **4-0-1** (Lloyd L. Jordan, Peter G. May, Marnique Y. Heath³, and Jeffrey L. Hinkle to Approve; S. Kathryn Allen, not participating or voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: February 4, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

³ Board member Heath indicated that she had read the full record in order to participate in the case and vote.

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PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18912 of Michael Pietsch, as amended,¹ pursuant to 11 DCMR § 3103.2, for variances from the lot occupancy requirements under § 403.2, the minimum rear yard requirements under § 404.1, the nonconforming structure requirements under § 2001.3, and the off-street parking requirements under § 2101.1, to convert a one-story market into a three-story flat in the R-4 District at premises 2007 First Street, N.W. (Square 3117, Lot 73).

HEARING DATE: February 3, 2015
DECISION DATE: February 3, 2015

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 4.)

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission (“ANC”) 5E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5E, which is automatically a party to this application. ANC 5E submitted a report noting that at a duly noticed meeting on January 20, 2015, with a quorum present, it voted 9 to 0 in support of the application. (Exhibit 29.) The Office of Planning (“OP”) filed a report recommending that the application be amended to include relief from the rear yard requirement, and to eliminate the lot area relief. OP expressed support for the amended relief. (Exhibit 29.) The D.C. Department of Transportation submitted a report expressing no objection to the application. (Exhibit 27.) The record contained one letter in support (Exhibit 23) and a petition containing 21 signatures from neighbors in support of the application. (Exhibit 25.)

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 §§ 403.2, 404.1, 2001.3, and 2101.1. The only parties to this case were the Applicant and ANC 6B which supported the application. No parties appeared at the public hearing in

¹ The application was amended at the hearing to include variance relief under § 404.1, the minimum rear yard requirements and § 2001.3, the nonconforming structure requirements, and to eliminate relief from the lot area requirements under § 401.3. Relief from the parking requirement (§ 2101.1) was amended from a special exception to a variance. These amendments are reflected in the caption.

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opposition to this application. Accordingly, a decision by the Board to grant the application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking variances from §§ 403.2, 404.1, 2001.3, and 2101.1, the applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 22.**

VOTE: 5-0-0 (Lloyd J. Jordan, Marnique Y. Heath, S. Kathryn Allen, Jeffrey L. Hinkle, and Marcie I. Cohen to APPROVE.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this summary order.

FINAL DATE OF ORDER: February 11, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

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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. 18913 of Simone Goring and Richard Devaney, pursuant to 11 DCMR §§ 3103.2 and 3104.1, for area variances from the lot size and width requirements of § 401.3, the lot occupancy requirements of § 403.2, the side yard requirements of § 405.6, the court requirements of § 406.1, and the off-street parking requirements of § 2101.1, and special exception relief from the roof structure setback requirement under § 400.7, to construct a two-family flat that consists of two two-level units in the R-4 District at premises 517 Q Street, N.W. (Square 477, Lot 827).¹

HEARING DATE: February 3, 2015

DECISION DATE: February 3, 2015

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 3 and 29B.)

The Board of Zoning Adjustment ("Board" or "BZA") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6E, which is automatically a party to this application. The ANC submitted a resolution in support of the application, dated November 15, 2014, which was based on the Applicant's original plan to develop a three-unit multiple dwelling building with lot occupancy of 76%. The ANC's resolution indicated that at a duly noticed and scheduled public meeting on November 6, 2014, at which a quorum was in attendance, the ANC voted unanimously (6-0-0) in support of the application. (Exhibit 26.) On January 12, 2015, the Office of Planning ("OP") informed the ANC's representative that the Applicant had revised the application to develop the site with a two-family flat, with the percentage of lot occupancy reduced from 76% to 71.8%. On January 20, 2015, the Applicant submitted its Prehearing Statement with a revised Self-Certification Form (Exhibit 29B) showing the revised development parameters.

OP submitted a timely report on January 20, 2015, recommending approval of the application for a two-family flat (Exhibit 28) and testified in support of the application at the hearing. The District Department of Transportation ("DDOT") submitted a timely report, dated January 21, 2015, indicating that it had no objection to the Applicant's requests for variance and special exception relief. (Exhibits 30 and 31.)

¹ The application was amended to add variance relief under §§ 401.3 and 406.1. The Applicant revised the plans and the project was changed from three units to two and the lot occupancy was lowered from 76% to 71.8%. (Exhibit 29.) The caption has been amended accordingly.

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Variance Relief

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2 for area variances from 11 DCMR §§ 401.3, 403.2, 405.6, 406.1, and 2101.1. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the OP report and ANC 6E report filed in this case, the Board concludes that in seeking variances from 11 DCMR §§ 401.3, 403.2, 405.6, 406.1, and 2101.1, the Applicant has met the burden of proof under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception from the roof structure setback requirements (11 DCMR § 400.7). No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1 and 400.7, 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 the application is hereby **GRANTED SUBJECT TO THE APPROVED REVISED PLANS AT EXHIBIT 29A.**

VOTE: **5-0-0** (Lloyd L. Jordan, S. Kathryn Allen, Marnique Y. Heath, Jeffrey L. Hinkle, and Marcie I. Cohen to Approve.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

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FINAL DATE OF ORDER: February 12, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION 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. 18914 of John Peters, as amended, pursuant to 11 DCMR §§ 3103.2 and 3104.1, for variances from the alley setback requirements under § 2300.4, and the accessory building height requirements under § 2500.4, and a special exception under § 223, not meeting the lot occupancy requirements under § 403.2, to construct a second story to an existing garage in the R-4 District at premises 240 9th Street, N.E. (Square 917, Lot 68).¹

HEARING DATE: February 3, 2015

DECISION DATE: February 3, 2015

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 6 and 25.)

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") 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 filed a report in support of the application. In its report the ANC indicated that at a regularly scheduled and properly noticed public meeting, at which a quorum was present, the ANC voted 8-0 to support the application. (Exhibit 31.)

The Office of Planning ("OP") submitted a timely report indicating that while it supported the request for area variance relief under § 2300.2 and special exception relief under § 223, not meeting lot occupancy under § 403, OP could not recommend approval of variance relief under § 2500.4.² (Exhibit 32.) The District Department of Transportation ("DDOT") submitted a timely report of "no objection" to the application. (Exhibit 30.)

¹ The Applicant amended the application and clarified at the public hearing that what was being requested was variance relief from §§ 2500.4 and 2300.4 and special exception relief from § 223 and § 403.2. (Exhibit 25.) The caption has been changed accordingly.

² In response to the Board's questions at the public hearing as to what the Applicant had to counter OP's lack of support of the variance under § 2500.4, the Applicant provided testimony regarding the practical difficulty with navigating the existing turning radius into the garage (requiring a three-point turn because of the lack of a wider turning radius) because of the location of the utility pole extending into the alley and therefore significantly reducing available space for other uses. OP indicated that it did not have the benefit of the testimony when it prepared its report.

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Letters in support were submitted to the record from neighbors. (Exhibits 28 and 29.) A letter in opposition was submitted to the record from the Capitol Hill Restoration Society. (Exhibit 38.)

Variance Relief

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance under § 3103.2 from the alley setback requirements under § 2300.4 and the accessory building height requirements under § 2500.4, to construct a second story to an existing garage in the R-4 District. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 3103.2 for variances under §§ 2300.4 and 2500.4, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty or undue hardship for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception under §§ 3104.1 and 223, not meeting lot occupancy under § 403.2, to construct a second story to an existing garage in the R-4 District. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1, 223, and 403.2, 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 requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

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It is therefore **ORDERED** that the application is hereby **GRANTED SUBJECT TO THE APPROVED REVISED PLANS AT EXHIBIT 27.**

VOTE: **5-0-0** (Lloyd L. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle, S. Kathryn Allen, and Marie I. Cohen 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: February 6, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION 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

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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. 18917 of Asmus Conerman, as amended, pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the side yard requirements under § 405.8 and the nonconforming structure requirements under § 2001.3, to construct a two-story rear addition to a one-family dwelling in the R-1-B District at premises 1214 Kearney Street, N.E. (Square 3930, Lot 37).¹

HEARING DATE: February 10, 2015

DECISION DATE: February 10, 2015

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 27 and 28.)

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") 5B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5B, which is automatically a party to this application. ANC 5B submitted a report in support of the application. In its report the ANC indicated that at a regularly scheduled and properly noticed public meeting on January 28, 2015, at which a quorum was present, the ANC voted 5-0-0 to support the application. (Exhibits 24 and 25.)

The Office of Planning ("OP") submitted a timely report indicating that although the application was for a variance, OP identified that special exception relief under § 223 was instead possible and recommended approval of special exception relief under § 223, not meeting side yard requirements under § 405.8 and nonconforming structures requirements under § 2001.3. (Exhibit 26.) The District Department of Transportation ("DDOT") submitted a timely report of "no objection" to the application. (Exhibit 23.)

Letters in support from neighbors (Exhibits 10 and 21) and a petition signed by 19 individuals (Exhibit 24) were submitted to the record.

Special Exception Relief

¹ The Applicant amended the application and clarified at the public hearing that what was being requested was special exception relief from § 223, not meeting side yard (§ 405.8) and nonconforming structure (§ 2001.3) requirements instead of the variance relief originally requested. (Exhibits 27 and 28.) The caption has been changed accordingly.

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As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception under §§ 3104.1 and 223, not meeting the side yard requirements under § 405.8 and the nonconforming structure requirements under § 2001.3, to construct a two-story rear addition to a one-family dwelling 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, 405.8, 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 requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED SUBJECT TO THE APPROVED PLANS AT EXHIBIT 3**.

VOTE: **4-0-1** (Lloyd L. Jordan, Robert E. Miller, Marnique Y. Heath, and Jeffrey L. Hinkle, to Approve; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: February 11, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN

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APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7,
SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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. 18939 of Amy and Ari Nazarov pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the lot area requirements under § 401.3, the lot occupancy requirements under § 403.2, the open court requirements under § 406.1, and the nonconforming structure requirements under § 2001.3, to allow the construction of a two-story rear addition to an existing single-family dwelling in the R-4 District at premises 915 C Street, N.E. (Square 939, Lot 802).

HEARING DATE: Applicant waived right to a public hearing

DECISION DATE: February 3, 2015 (Expedited Review Calendar).

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 6.)

Pursuant to 11 DCMR § 3118, this application was tentatively placed on the Board of Zoning Adjustment (“Board”) expedited review calendar for decision without hearing as a result of the applicant’s waiver of its right to a hearing.

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”) 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. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on January 8, 2015, at which a quorum was in attendance, ANC 6A voted 8-0-0 to support the application. (Exhibit 26.) The Office of Planning (“OP”) submitted a timely report and testified at the hearing in support of the application. (Exhibit 27.) The District Department of Transportation (“DDOT”) submitted a report expressing no objection to the application. (Exhibit 29). Three letters were filed by both adjacent neighbors and the Capitol Hill Restoration Society in support of the application. (Exhibits 12, 13, and 30.)

No objections to expedited calendar consideration were made by any person or entity entitled to do so by §§ 2118.6 and 2118.7. The matter was therefore called on the Board’s expedited calendar for the date referenced above and the Board voted to grant the application.

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 §

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3104.1, for a special exception under §§ 223, 401.3, 403.2, 406.1, and 2001.3. No parties appeared at the public meeting 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, pursuant to 11 DCMR §§ 3104.1, 223, 401.3, 403.2, 406.1, and 2001.3, 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 8.**

VOTE: **5-0-0** (Lloyd J. Jordan, Marcie I. Cohen, Marnique Y. Heath, S. Kathryn Allen and Jeffrey L. Hinkle 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: February 5, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

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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.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 04-33G
(Coalition for Smarter Growth, *et al.* – Text Amendment to Chapter 26 of the
Zoning Regulations)
February 11, 2015**

THIS CASE IS OF INTEREST TO ALL ANCs

On February 6, 2015, the Office of Zoning received a petition from the Coalition for Smarter Growth, *et al.* (the “Petitioner”) to amend Chapter 26 of the Zoning Regulations in order to strengthen the Inclusionary Zoning (“IZ”) program.

The Petitioner requests that the Commission make various changes to Chapter 26, Inclusionary Zoning, to the following sections: Definitions, Applicability, Set-aside Requirements, Bonus Density, and the Applicability Date.

For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 07-26F
Z.C. Case No. 07-26F
City Market at O Condo LLC
(Modification to Consolidated Planned Unit Development)
January 26, 2015

Pursuant to notice, the Zoning Commission for the District of Columbia ("Commission") held a public hearing on December 15, 2014, to consider an application from City Market at O Condo, LLC ("Applicant") for approval of a modification to a consolidated planned unit development ("PUD") ("Application") for development of the last phase of the redevelopment of the property bounded by 7th, 9th, O, and P Streets, N.W., as approved in Z.C. Order No. 07-26 under Chapter 24 of the District of Columbia Zoning Regulations, 11 DCMR ("Zoning Regulations"). The project site includes a portion of Lot 32 in Square 398 ("Site"). The Commission considered the Application pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022.

FINDINGS OF FACT

Application, Parties, and Hearing

1. On June 26, 2014, the Applicant filed the Application, including architectural plans and drawings, for approval of a modification to the consolidated PUD for the Site as approved by Z.C. Order No. 07-26. (Exhibit ["Ex."] 1).
2. This application was originally submitted as a request for approval of a minor modification to the PUD, in accordance with the provisions of § 3030 of the Zoning Regulations.
3. At its public meeting held on July 17, 2014, the Commission determined that the request was not a minor modification and that a public hearing would be required. The Commission voted to set the matter for hearing.
4. The Applicant filed a Prehearing Submission on August 25, 2014, including a Prehearing Statement and supporting exhibits. (Ex. 7-10.) The Applicant then filed additional material in its Supplemental Prehearing Submission on November 25, 2014, (the Supplemental Prehearing Submission") consisting of fully re-issued plans and elevations (the "Supplemental Plans"). (Ex. 16-17.)
5. A Notice of Public Hearing was published in the *D.C. Register* on September 19, 2014. The Notice of Public Hearing was mailed to all property owners within 200 feet of the Site as well as to Advisory Neighborhood Commission ("ANC") 6E.

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6. The Commission held a public hearing on the Application on December 15, 2014. The parties to the case were the Applicant as well as ANC 6E, the ANC within which the Site is located.
7. The Applicant presented the following witnesses: Richard Lake, representing the Applicant; and Robert Sponseller, architect with the firm of Shalom Baranes Associates. Mr. Sponseller was accepted as an expert in architecture.
8. The Office of Planning ("OP") submitted a report dated December 1, 2014 ("OP Report"), in support of the Application. (Ex. 18.) The OP Report stated that the changes in the revised plans, relative to the upper level of the West Building, are not inconsistent with the Comprehensive Plan and would not change the material facts upon which the Commission based its original approval for the site's overall development. In its testimony at the hearing, OP reiterated its support for the Application.
9. The District Department of Transportation ("DDOT") submitted a report dated December 4, 2014 ("DDOT Report") stating that it did not object to the proposed modification. (Ex. 19.)
10. ANC 6E submitted a letter dated December 5, 2014, indicating that with a quorum present, ANC 6E voted 6-0-0 to support the Application. (Ex. 24.)
11. There were no persons or parties in opposition to the Application.
12. At the conclusion of the hearing, the Commission took proposed action to approve the Application.
13. The proposed action of the Commission was referred to the National Capital Planning Commission ("NCPC") under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. NCPC's Executive Director, by delegated action dated December 31, 2014, found that the Application would not have an adverse effect on federal interests nor be inconsistent with the Comprehensive Plan for the National Capital. (Ex. 27.)
14. The Commission took final action to approve the Application at its public meeting held on January 26, 2015.

The Site and the Area

15. The subject property includes Lot 32 in Square 398, which encompasses all of the property within the block bounded by 7th, 9th, O, and P Streets, N.W. The overall record lot contains approximately 149,600 square feet of land area. The record lot has been divided into a number of assessment and taxation lots and air rights lots. The portion of

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the property which is the subject of the specific amendments approved in the Application is located west of the former right-of-way of 8th Street.

16. The Site is zoned C-3-C by virtue of Z.C. Order No. 07-26.

Summary of Modifications

17. The modifications all relate to the building noted on the approved plan as West Residential A (the "Building"), the portion of the project located at the corner of 9th and P Streets. The modifications now proposed are as follows:

- A. Addition of Bays on the Interior Courtyard:

The Applicant proposes to add bays on the east side of the interior courtyard to visually activate this open space amenity. Previously, the east wall of the Building facing the courtyard was depicted as an unarticulated block. As now proposed, four bays would extend approximately seven feet from the interior east façade and would not be visible from the P Street side of the building;

- B. Two Percent Height Increase to Utilize Sustainable Central Plant:

Utilizing the environmentally advanced central plant constructed in the previous phase to supply utilities for the proposed Building reduces emissions, lowers energy costs for residents, and enables provision of significant rooftop amenity space and outdoor access uninterrupted by mechanical equipment. However, the distance between the centralized mechanical system and the proposed Building requires larger piping over top floor ceilings to properly serve the new Building spaces. A two percent height increase will accommodate the space needed for the larger piping. The respective proposed heights to accommodate this technical requirement are depicted in the attached exhibit. The Applicant does not propose to increase the overall height of the building beyond this two percent request;

- C. Change Roof Structure to Increase Accessibility to the West Rooftop and Amenities while Eliminating Need for Previously Approved Non-Compliant Roof Setback:

The Applicant proposes to enable both elevators of the west building to access the rooftop and its amenities; the original design did not envision elevator access to the rooftop. To enable this expanded accessibility, the penthouse at the elevator core is proposed to be raised to allow for enough overrun for both elevators. As indicated in Sheet A.08, the height of roof structure No. 4 on West Residential A was approved at elevation 100. (Ex. 17.) In order to provide ADA accessible roof access from both elevators, the permitted height of the roof structure at the

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elevator core only is requested to be increased to elevation 108.5, as indicated in Sheet A.09. (Ex. 17.)

The design of the proposed structure and elevator core location has been modified to allow for the 1:1 setback requirement to be met. The roof plan approved by the Commission in the PUD permitted a non-compliant roof structure setback for roof structure No. 4 to be constructed with less than the normally required 1:1 setback along the west side of the penthouse. (Ex.17, Sheet A.08.) The currently proposed design modifications now allow for the 1:1 setback requirement to be fully met. The relocation of the elevator core also allowed roof structure No. 4 to be set back four feet so that the entire roof structure is now compliant with the 1:1 zoning setback, making the roof structure less noticeable from public view than even in the originally approved PUD; and

D. Extend Portion of Eighth Floor:

To better integrate the appearance of approved roof structure No. 6 into the overall façade and to enable a more graceful transition in roof elevations for the planned rooftop amenities and green areas, the owner proposes to extend the 8th floor of West Residential A along the north to south wing of the Building parallel to 9th Street. (Ex. 17, Sheets A.08 and A.09.) As originally approved, the height of that portion of the Building was at 72 feet above the measuring point, with the height of roof structure No. 6 along the south end of the 9th Street wing approved at 82 feet above the measuring point, as depicted in the wall section on Sheet A.10. (Ex. 17.) As now proposed, the height for this 9th Street portion of the Building, as depicted in Section W-4, would be 82 feet above the measuring point, no higher than the height for the previously approved roof structure No. 6 at this location. The extension would be set back the same distance from 9th Street (14 feet from the edge of the 7th floor below) and would extend no further than the southern face of the previously approved roof structure. (Ex. 17, Sheet A.09.)

The proposed modification to Section W-4 would enable a more graceful transition in roof elevations from the approved eastern portion of the building for the proposed rooftop amenities. The extension of the 8th floor on the 9th Street wing would still be below the maximum height permitted and constructed on the existing portions of the project west of the former right-of-way of 8th Street (82 feet as compared to 91.8 feet). Additionally, the extension of the 8th floor occupies only a portion of the Building and is set back 14 feet from the edge of the 7th floor below, thereby reducing the appearance and potential impact from the street.

To better achieve harmonious overall building proportions, the Applicant proposes slight modifications to the setback along 9th Street. The 8th and 9th floors

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were set back approximately 29 feet from the edge of the 7th floor below along the 9th Street side of the Building. Under the proposed modifications, the 8th and 9th floors would be set back 23 feet from the edge of the 7th floor below. As depicted in the massing comparisons, the modifications have minimal impact on views of the Building from the public street as compared to views of the building under the previously approved PUD, even as it helps to better conceal the mechanical roof structure No 4. (Ex. 17, Sheets A.03, A.04, A.05.)

The proposed modification would slightly increase the floor area of West Residential A from the original design. However, the overall floor area ratio ("FAR") of the project would not increase beyond the approved PUD.

18. None of the proposed changes increases the density above the approved 5.15 FAR or increases the number of residential units above the approved range of 580-680. In all respects, including the overall height, gross floor area, number of units, yards, courts, and parking and loading, the PUD will remain as approved by the Commission.
19. The two percent increase in height for the P Street wing will match the constructed height of the other portions of the Building, and is necessary to accommodate redesign of the mechanical components of the Building to include a central plant constructed on the portion of the PUD east of the former 8th Street right-of-way, which plant services the entire PUD.

Compliance with PUD Standards

20. The Application complies with the standards for a PUD set forth in Chapter 24 of the Zoning Regulations.
21. Substantial portions of the development have already been constructed and are operational for the benefit of the community. The Giant grocery store, affordable senior housing building, hotel, and a majority of the residential buildings are open and occupied. Additional community benefits that have been provided include, but are not limited to, the following:
 - A. Historic preservation: The O Street Market was substantially preserved and adaptively reused to integrate Giant Food into the overall project while providing the Shaw community the District's largest grocery store with a breadth of offerings that are unique to this location. The project has received numerous accolades and awards, including "2014 Best Overall Store Design" by Progressive Grocer magazine and the "2014 Vision Award" from The Committee of 100 on the Federal City;

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- B. Affordable housing: The completed senior building has 90 units of affordable housing, with 18 units at 50% of AMI and 72 units at 60% of AMI, which exceeds the affordable housing required by Z. C. Order No. 07-26C, by a total of 10 units and by the depth of affordability (18 units @ 50% AMI);
- C. Employment and training opportunities: 212 of 404 new hires were DC residents. Additionally, interested applicants have been provided access to job preparedness and laborer follow-up training provided by Living Classrooms;
- D. Environmental benefits: Incorporated a significant number of low-impact development measures designed to promote environmental sustainability and mitigate development impacts on the environment such as a central HVAC and mechanical plant to service all residential and commercial components of the project; and
- E. Direct contributions to community resources: Provided financial contributions to the District Department of Parks and Recreation, residential tenant associations, and other community institutions.

Upon construction, West Residential A will complete all components proposed under the PUD.

- 22. These public benefits and project amenities have not changed with this Application. Accordingly, the Commission's finding that the relative value of the project amenities and public benefits offered is sufficient given the degree of development incentives requested and any potential adverse effects of the overall project, does not change
- 23. The modifications have been evaluated under the PUD guidelines for the C-3-C Zone District. The density of the project has not changed and is as approved in Z.C. Order No. 07-26. The density is less than what is permitted as a matter-of-right and for a PUD within the C-3-C Zone District. The maximum height has changed by only two percent to accommodate the utility runs for the central plant.
- 24. The Application has been evaluated by the relevant District agencies and has been found to have no unacceptable adverse impact. The Commission finds that the modifications to the PUD will have a positive impact on the city and will have no unacceptable adverse impacts.
- 25. In Z.C. Order No. 07-26, the Commission found that the PUD advances the purposes of the Comprehensive Plan, is consistent with the Future Land Use Map, complies with the guiding principles in the Comprehensive Plan, and furthers a number of the major elements of the Comprehensive Plan. The Commission finds that the modifications

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proposed in this application do not change these findings and that such modifications are not inconsistent with the Comprehensive Plan of 2006.

Office of Planning

26. In the OP Report, and through testimony presented at the public hearing, OP recommended approval of the Application. (Ex. 18.)

District Department of Transportation

27. DDOT filed its report summarizing DDOT's assessment of the impacts of the Application on the District's transportation network and stated that it did not object to the Application.

ANC 6E Report

28. By letter dated December 5, 2014, ANC 6E stated that it voted to support the Application by a vote of 6-0-0. (Ex. 24.)
29. The Commission afforded the views of ANC 6E the "great weight" to which they are entitled.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality development that provides public benefits. (11 DCMR § 2400.1). The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." (11 DCMR § 2400.2.)
2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider and approve this application for a modification to the approved consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, density, lot occupancy, parking, loading, yards, or courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. The development of the PUD as modified carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned developments which will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.

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4. The modification to the consolidated PUD meets the minimum area requirements of § 2401.1 of the Zoning Regulations. The modified PUD, as approved by the Commission, complies with the applicable height, bulk, and density standards of the Zoning Regulations.
6. The number and quality of the project benefits and amenities offered are a more than sufficient trade-off for the flexibility and development incentives requested.
7. Approval of the Application is not inconsistent with the Comprehensive Plan.
8. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to the affected ANC's recommendations. The Commission has carefully considered ANC 6E's support for the project and has given that support great weight.
9. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to OP recommendations. The Commission has carefully considered OP's support for the project and has given that support great weight.
10. The approval of the Application will promote the orderly development of the Site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Zoning Map of the District of Columbia.
11. Notice was provided in accordance with the Zoning Regulations and applicable case law.
12. The Application is subject to compliance with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission **ORDERS APPROVAL** of the application for a modification to the subject PUD. Condition 1 of Z.C. Order No. 07-26 is hereby amended to read as follows (new text is shown as bold and underlined text):

1. The **portion of the PUD known as the West Residential Building shall be developed in accordance with the plans marked as Exhibit 17 of Z.C. Case No. 07-26F. The remainder of the** PUD shall be developed in accordance with the plans prepared by Shalom Baranes Associates, dated February 15, 2008, and as amended or supplemented by drawings dated March 6, 2008, marked as Exhibits 29A and 42 [as amended by the

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plans marked as Exhibit 1 to Z.C. Case 07-26B], respectively, in the record, and as further modified by the guidelines, conditions, and standards herein.

No building permit shall be issued for the Modified Project until the Applicant has recorded a Notice of Modification in the land records of the District of Columbia.

The Applicant is required to comply fully with the provisions the D.C. Human Rights Act of 1977, D.C. Law 2-38, as amended, D.C. Official Code § 2-1401.01 *et seq.*, (“Act”). This Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §§ 2-1401.01 *et seq.* (Act), the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination 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.

On December 15, 2014, upon the motion of Chairman Hood, as seconded by Commissioner Miller, the Zoning Commission **APPROVED** the Application at the conclusion of the public hearing by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve; Marcie I. Cohen, not present, not voting).

On January 26, 2015, upon the motion of Commissioner Miller, as seconded by Commissioner Turnbull, the Order was **ADOPTED** by the Zoning Commission at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt; Marcie I. Cohen, not having participated, not voting).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on February 20, 2015.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING**

Z.C. Case No. 15-03

**(Aria Development Group – Consolidated PUD and Related Map Amendment @
Square 2866, Lots 831 and 838)**

February 11, 2015

THIS CASE IS OF INTEREST TO ANC 1B

On February 6, 2015, the Office of Zoning received an application from Aria Development Group (the “Applicant”) for approval of a consolidated PUD and related map amendment for the above-referenced property.

The property that is the subject of this application consists of Lots 831 and 838 in Square 2866 in Northwest Washington, D.C. (Ward 1), which is located at 1315 Clifton Street, N.W. The property is currently zoned R-5-B. The Applicant proposes a PUD-related map amendment to rezone the property, for the purposes of this project, to R-5-C.

The Applicant proposes to replace two functionally outmoded apartment buildings with with a new high-quality residential construction. The new building will have 155-170 residential units, to include more than what is required of affordable units. The density will be 4.0 floor area ratio (“FAR”) and the maximum height will be 60 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.

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