

BOARD OF ELECTIONS AND ETHICS**NOTICE OF PUBLICATION**

The Board of Elections and Ethics at Regular Board meeting on Wednesday, May 3, 2006 formulated the short title, summary statement, and legislative text of the "Video Lottery Terminal Gambling Initiative of 2006." Pursuant to D.C. Code § 1-1001.16(d)(2001 ed.), the Board hereby publishes the aforementioned formulations as follows:

INITIATIVE MEASURE 69**SHORT TITLE**

"VIDEO LOTTERY TERMINAL GAMBLING INITIATIVE OF 2006"

SUMMARY STATEMENT

This initiative, if passed, will:

- expand the lottery by allowing "Video Lottery Terminals" ("VLTs"), which are very similar to slot machines, in the District of Columbia;
- establish the initial VLT facility at the intersection of Martin Luther King, Jr. Avenue and Good Hope Road in the historic Anacostia section of Ward Eight;
- Limit the granting of the temporary initial license to operate the initial VLT facility to an applicant possessing a more than fifty percent interest in the Anacostia site;
- Create a procedure to permit additional VLT facilities to be established throughout the District of Columbia.

LEGISLATIVE TEXT

To amend the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia by adding new sections authorizing the licensing of video lottery terminals and recommending that revenues accruing to the District from the operation of video lottery terminals be distributed equally to a District of Columbia Public Schools Fund, a District of Columbia Senior Citizens Prescription Drug Benefits Fund, and the General Fund of the District of Columbia.

BE IT ENACTED BY THE ELECTORS OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Lottery Expansion Initiative Act of 2006".

Sec. 2. Findings and Purposes.

The people of the District of Columbia recognize and declare as follows:

(1) The District needs to create more jobs to address unemployment and to generate additional revenue to address areas of special concern to the residents of the District of Columbia. These areas of special concern are (A) programs to benefit the District of Columbia public schools by providing for the improvement of the educational content, physical condition, vocational programs, security, and general well-being of the District's schools, and (B) programs to aid District senior citizens in obtaining needed prescription medications, especially since such medications are often not provided under currently available Medicare or Medicaid programs. The District is strongly urged to create special purpose funds to support programs in these areas;

(2) The District would be best served if the needed revenue were generated by a new, self-sustaining program rather than through the imposition of additional taxes or fees on the incomes of District residents and District businesses;

(3) The District of Columbia Lottery has, since its inception, been a positive example of such a self-sustaining revenue generation program by providing needed revenues for the District through sales and fees on licensed lottery transactions;

(4) Based on this example, the people of the District of Columbia have chosen to enact the "Lottery Expansion Initiative Act of 2006" to create a new source of lottery revenue by expanding the permissible forms of playing the District of Columbia Lottery to include the playing of lottery games, including but not limited to "scratch-off" cards in electronic form, through Video Lottery Terminals ("VLTs");

(5) In order to regulate, control, and limit the operation of VLTs, and as set forth herein, (A) only entities licensed by the District of Columbia Lottery and Charitable Games Board (the "Board," as defined below) will operate VLTs, (B) such operations may only occur in facilities specifically designated for VLT operations, (C) the location of the initial VLT Facility is specifically restricted by this Law, (D) the Board has licensing authority to allow additional VLT facilities, and (E) any such expansion may occur only after such expansion is proposed by the Board and approved by the Council of the District of Columbia;

(6) In order to ensure that the operation of VLTs provides ample revenues to accomplish the purposes of this Law, it is the strong recommendation of the people of the District of Columbia that a usage fee be charged against each licensed operator of VLTs in an amount of 25% of the Net VLT Proceeds;

(7) In order to ensure that the majority of the revenues produced from VLT operations are used for the pressing needs identified by the people of the District in this Law, it is the strong recommendation of the people of the District of Columbia that there be established a "District of Columbia Public Schools Fund" and a "District of Columbia Senior Citizens Prescription Drug Benefits Fund". It is the strong recommendation of the people of the District of Columbia that any revenue from VLT usage fees shall be allocated in the following manner: 33 1/3% percent to a District of Columbia Public Schools Fund, 33 1/3% percent to a District of Columbia Senior Citizens Prescription Drug Benefits Fund; and 33 1/3% percent to the General Fund of the District of Columbia as general purpose revenue funds.

Sec. 3. Statement of law.

The Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3172; D.C. Official Code § 3-1301 et seq.) is amended by adding, at the end, a new Title "Video Lottery Terminals" to read as follows:

§ 1. DEFINITIONS

The following definitions apply to all provisions in this Title.

- (1) "Board" shall mean the District of Columbia Lottery and Charitable Games Control Board, created pursuant to D.C. Official Code § 3-1301 or, pursuant to Section 207 of Public Law 104-8 and Section 2302 of Public Law 108-11, the Chief Financial Officer of the District of Columbia.
- (2) "Certification Company" means Gaming Laboratories, Inc., a company that performs testing and certification of VLTs, or any similar company, which performs testing, and certification of VLTs and which (i) is not affiliated with any Licensee or any Principal of any Licensee and (ii) is authorized by the Board or by any State to perform testing and certification of VLTs or similar devices.
- (3) "Designated VLT Site" shall mean a site, including the Initial Designated VLT Site, authorized for the conduct of VLT Operations by a Licensee under a License issued by the Board pursuant to the "Lottery Expansion Initiative Act of 2006".
- (4) "Electronic cards" means cards that employ an affixed magnetic storage medium and/or a "smart card" and/or cards containing an integrated circuit chip, but excludes credit cards issued by any Person other than a Licensee.
- (5) "Eligible Applicant" means a Person who meets the requirements imposed in this chapter for obtaining a License to acquire, own, maintain, and operate VLTs within the District of Columbia.
- (6) "Executive Director" shall mean the Executive Director of the Board, as appointed pursuant to D.C. Official Code § 3-1303.
- (7) "Initial Designated VLT Site" shall mean an approximately 9,000 square foot area consisting of lots 5, 812, and 813 in square 5770 of Ward Eight that is targeted for redevelopment by the Anacostia Economic Development Corporation, and any adjoining parcels brought under common control with any Licensee under the Temporary Initial License or Initial License issued by the Board pursuant to the "Lottery Expansion Initiative Act of 2006".
- (8) "Initial License" means the License issued to an Eligible Applicant by the Board pursuant to section 5 of this Title.
- (9) "License" means the authorization issued to an Eligible Applicant by the Board pursuant to

the provisions of the "Lottery Expansion Initiative Act of 2006" to: (A) acquire (by purchase, lease or otherwise) and own VLTs certified by a Certification Company, and (B) install, maintain and operate VLTs and conduct VLT Operations at a Designated VLT Site.

(10) "Licensee" means an Eligible Applicant issued a License by the Board in accordance with the "Lottery Expansion Initiative Act of 2006".

(11) "Manufacturer" means any Person (A) who or which manufactures, fabricates, assembles and/or programs VLTs including parts or portions thereof (collectively "VLT Equipment"), (B) whose VLT Equipment is certified by a Certification Company, (C) who either (i) has applied for and been issued a Permit by the Board to sell, lease or otherwise provide VLT Equipment to Licensees or Permittees, or (ii) has been, and is currently licensed in any State to sell, lease or otherwise provide VLT Equipment to Persons authorized to conduct VLT Operations in such other State, and (D) who is not a Licensee.

(12) "Maximum Permissible Designated VLT Sites" shall mean the maximum number of Designated VLT Sites for which the Board may issue a License. The Maximum Permissible Designated VLT Sites shall be set in accordance with section 6 of this Title.

(13) "Net VLT Proceeds" means the total of all cash and property received by a Licensee from VLT Operations minus the amount of the Payout.

(14) "Payout" means premiums, merchandise, prizes, promotional complementaries or anything of value provided via a voucher and/or Electronic Card, which the player of a VLT may be entitled to receive as a result of the playing of the VLT.

(15) "Permit" means any authorization (other than a License) issued to a Manufacturer, supplier, Service Technician or any person (other than a Licensee) by the Board under the provisions of the "Lottery Expansion Initiative Act of 2006" to participate in VLT Operations and/or the provision, repair, maintenance and servicing of VLTs and related equipment and supplies.

(16) "Permittee" means a Person (other than a Licensee) issued a Permit by the Board under the provisions of the "Lottery Expansion Initiative Act of 2006".

(17) "Person(s)" means individuals, partnerships, limited liability companies, corporations and other legal entities and associations.

(18) "Principal" means any Person who (A) holds or controls directly or indirectly ten (10%) percent or more ownership or economic interest in an applicant for, or holder of a License or Permit, or (B) receives ten (10%) percent or more revenue interest in the form of a commission, finder's fee, loan fee or interest, or any other compensation arising out of or relating to VLT Operations; provided, however, that no bank, regulated mutual fund, insurance company, or other regulated financial institution ("Financial Institution") shall be deemed a Principal under the "Lottery Expansion Initiative Act of 2006" so long as (A) the Financial Institution holds its interests in an applicant for, or holder of, a License or Permit for investment purposes only, and (B) the Financial Institution does not own a majority of the equity of the applicant for, or holder

of, a License or Permit.

(19) "Service technician" means any Person (other than a Licensee or Manufacturer and/or their respective employees) who (A) is trained by a Manufacturer, Distributor, other qualified entity, or has been certified in a training program approved by the Board, to perform one or more of the following functions with respect to a VLT: (i) clearing paper or money jams, (ii) changing paper contained within the VLT, (iii) retrieving money from a VLT, or (iv) performing any repairs, parts replacements, maintenance, cleaning, and other servicing to VLTs, and (B) holds a Permit issued by the Board under the provisions of the "Lottery Expansion Initiative Act of 2006" to perform those functions for a Licensee or Permittee.

(20) "Temporary Initial License" shall mean a License issued pursuant to section 4 of this Title.

(21) "VLT" means a lottery machine that performs only the following functions: (A) accepts paper or coin currency or vouchers to enable a player to participate in one or more games; (B) dispenses, at the player's request, (i) an amount of coins equal to the player's credit balance, (ii) a token, voucher and/or Electronic Card that has physically or electronically imprinted upon it the game identifier and the player's credit balance, or (iii) some combination thereof, (C) shows on a video screen, reels or other electronic display, rather than on a paper ticket, the results of each game played; (D) shows on a video screen or other electronic display, in an area separate from the game results, the player's credit balance; (E) houses a game platform that is connected to a central system; (F) contains within the common central system pools of lottery game tickets and (i) such pools are defined by game type, denomination, and the amount bet, (ii) each pool, regardless of where its electronic tickets are assigned, has its own hold or par, and (iii) a player plays against other players through the VLT and its designated pool; and (G) is monitored and controlled by a central computer system which maintains the integrity of the operations of the individual VLT.

(22) "VLT Operations" means the use, operation, offering, or conduct of VLT gaming by a Licensee in accordance with the provisions of the "Lottery Expansion Initiative Act of 2006".

§ 2 MANAGEMENT OF VLT FEE REVENUE.

All funds, fees, fines, or other revenues collected by the Board with respect to the licensing, operation, administration, or regulation of VLTs, including but not limited to any VLT usage fees (the "VLT Fee Revenue") shall be accounted for and managed in accordance with the applicable laws and regulations of the District of Columbia.

§ 3 PROHIBITION ON UNAUTHORIZED ACTIVITIES WITH RESPECT TO VLTs

(a) No Person shall acquire, own, operate, provide, distribute, repair or maintain VLTs and/or conduct VLT Operations unless and until such Person shall be issued a License or Permit, including a Temporary Initial License or Initial License, to engage in such activity, by the Board under the provisions of the "Lottery Expansion Initiative Act of 2006", or be exempt from permitting as provided in the "Lottery Expansion Initiative Act of 2006".

(b) Notwithstanding subsection (a) of this section, any natural person who is an employee of a non-natural Person that has obtained a License or Permit may, so long as he or she is acting within the scope of his or her employment for said non-natural Person, acquire, operate, provide, distribute, repair or maintain VLTs and/or conduct VLT Operations to the extent authorized in any License or Permit issued to said nonnatural Person.

§ 4 LICENSING FOR OPERATION OF VLTs AND CONDUCT OF VLT OPERATIONS; TEMPORARY INITIAL LICENSE

(a) Beginning forty-five (45) days following the effective date of this section, and no earlier, the Board shall begin accepting applications for the Temporary Initial License to conduct VLT Operations.

(b) Any Person applying for the Temporary Initial License under subsection (a) of this section shall complete and submit the form of application, which is, as of the effective date of this section, promulgated by the Board as the application for obtaining a license to become a lottery sales agent pursuant to D.C. Official Code § 3-1315. In addition, any Person applying for the Temporary Initial License under subsection (a) of this section shall submit the following:

(1) A sworn affidavit that the Person and, if applicable, all Principals are, at the time of application, not disqualified from being a Licensee (or Principal of a Licensee) pursuant to the provisions of section 12 of this Title; and

(2) Documentation demonstrating that the Person owns and has the right to possess more than 50% of, is the lessee of and has the right to possess more than 50% of, or has the contractual right to acquire and possess more than 50% of or be the lessee of and possess more than 50% of property that is eligible to become the Initial Designated VLT Site.

An application for the Temporary Initial License shall be deemed complete if it includes all of the documents required under this section. The Board is required to accept any application that is deemed complete under this subsection.

(c) The Board shall grant the Temporary Initial License to the Person who, on the earliest date following the effective date of the "Lottery Expansion Initiative Act of 2006", meets the following criteria: (1) the Person submits an application that is deemed complete pursuant to subsection (b) of this section, and (2) the Person has demonstrated that the Person owns and has the right to possess more than 50% of, is the lessee of and has the right to possess more than 50% of, or has the contractual right to acquire and possess more than 50% of, or be the lessee of and possess more than 50% of property that is eligible to become the Initial Designated VLT Site. The Board shall issue a decision granting or denying a Person's application for the Temporary Initial License within fourteen (14) days of the Board's receipt of the application.

(d) Any Person whose application has been denied pursuant to subsection (c) of this section may, within thirty (30) days of the denial of that application, appeal the Board's decision to deny the application to the Superior Court of the District of Columbia.

(f) The Person awarded a Temporary Initial License (the "Temporary Initial Licensee") shall have all the rights of any Licensee under this chapter; provided, however, that the Temporary Initial License shall expire on the earliest of (1) the granting by the Board of an Initial License to the Temporary Initial Licensee pursuant to section 5(c) of this Title, or (2) the denial by the Board of an application by the Temporary Initial Licensee for the Initial License pursuant to section 5(d) or 5(e) and the expiration of all appeals of that denial pursuant to section 5(g) of this Title.

§ 5 LICENSING FOR OPERATION OF VLTs AND CONDUCT OF VLT OPERATIONS;
INITIAL LICENSE

(a) Within 180 days of the Board's granting of a Temporary Initial License, the Board shall create and publish regulations setting forth a procedure by which Persons may apply for the Initial License (the "Initial Application Regulations"). The content of the Initial Application Regulations are within the discretion of the Board, except that Initial Application Regulations must require the Person applying for the License ("Initial License Applicant") to provide the following information:

(1) Information demonstrating that the Initial License Applicant owns and has the right to possess more than 50% of, is the lessee of and has the right to possess more than 50% of, or has the contractual right to acquire and possess more than 50% of, or be the lessee of and possess more than 50% of property that is eligible to become the Initial Designated VLT Site;

(2) Information sufficient to allow the Board to determine whether the Initial License Applicant is "suitable" pursuant to sections 11 and 12 of this Title; and

(3) If the Initial License Applicant is a non-natural person, a list of all employees, officers, and Principals of the Initial License Applicant.

(b) Within (90) days following the Board's publication of the Initial Application Regulations, the Temporary Initial Licensee may submit an application for the Initial License in accordance with the Initial Application Regulations.

(c) If the Temporary Initial Licensee submits an application for the Initial License pursuant to subsection (b) of this section, the Board shall determine within ninety (90) days of the date of said application whether to immediately grant the Initial License to the Temporary Initial Licensee. The Board shall award the Initial License to the Temporary Initial Licensee if it determines that: (1) the Temporary Initial Licensee is an Eligible Applicant, (2) the Temporary Initial Licensee (A) owns and has the right to possess more than 50% of or (B) is the lessee of and has the right to possess more than 50% of property eligible to be the Initial Designated VLT Site, and (3) the Board has found, after investigation, that (A) the License Application is complete, and (B) the Temporary Initial Licensee is suitable, according to the provisions of section 11 and 12 of this Title

(d) If, after the expiration of this ninety (90) day period, the Board determines that the Temporary Initial Licensee does not meet the criteria of subsection (c) of this section, but that

such criteria could be satisfied by the Temporary Initial Licensee by taking feasible and reasonable corrective measures, including but not limited to a transfer of interests held by one or more Principals of the Temporary Initial Licensee, the Board shall postpone its decision on the application of the Temporary Initial Licensee and issue a written statement to the Temporary Initial Licensee setting forth the corrective measures that need to be taken by the Temporary Initial Licensee in order for the Board to grant the Initial License. Otherwise, if, after the expiration of the ninety (90) day period, the Board determines that the Temporary Initial Licensee does not meet the criteria of subsection (c) of this section, the Board shall issue a decision denying the application of the Temporary Initial Licensee

(e) If the Board postpones its decision and requests corrective measures pursuant to subsection (d) above, the Board shall allow the Temporary Initial Licensee 180 days to take the measures set forth by the Board. After the expiration of this period, the Board shall grant the Initial License to the Temporary Initial Licensee if it determines (1) the corrective measures required by the Board have been taken, and (2) after completion of the corrective measures, the Temporary Initial Licensee has met the criteria for the Initial License under subsection (c) of this section. Otherwise, the Board shall issue a decision denying the Temporary Initial License.

(f) If the Board denies the application of the Temporary Initial Licensee pursuant to subsection (d) or subsection (e) of this section and all appeals of that denial pursuant to subsection (g) of this section have been exhausted, or if the Temporary Initial Licensee does not apply for the Initial License within the time period set forth in subsection (c) of this section, the Board shall then accept further applications for the Initial License. The Board shall, on a rolling basis, evaluate each application for the Initial License made under this subsection and award the Initial License to the first Person who has submitted a complete application for the Initial License and whom the Board determines meets the criteria set forth in subsection (c) of this section.

(g) Any Person whose application has been denied pursuant to this section may, within thirty (30) days of the denial of that application, appeal the Board's decision to deny the application to the Superior Court of the District of Columbia.

§ 6 LICENSING FOR OPERATION OF VLTs AND CONDUCT OF VLT OPERATIONS; SUBSEQUENT LICENSES

(a) The Board may, at any time adopt and approve a proposal to expand the Maximum Permissible Designated VLT Sites and to accept applications for additional License(s) to conduct VLT Operations for each newly permitted Designated VLT Area ("Expansion Proposal"). The Board shall include in any Expansion Proposal a specific description of the property in which the Designated VLT Site(s) for the additional License(s) granted under the Expansion Proposal shall be located in the event that the Expansion Proposal becomes effective under this section.

(b) Immediately after the adoption and approval of an Expansion Proposal by the Board under subsection (a) of this section, the Expansion Proposal shall be submitted to the Council of the District of Columbia ("Council") for approval. If approved by the Council, the Expansion Proposal shall take effect and the Maximum Permissible Designated VLT Sites shall be

expanded as set forth in the Expansion Proposal.

(c) Within ninety (90) days of the approval of an Expansion Proposal by the Council, the Board shall create and publish regulations setting forth a procedure by which Persons may apply for a License to conduct VLT Operations at one or more of the newly permitted Designated VLT Sites (the "Expansion License Application Regulations"). The content of the Expansion License Application Regulations are within the discretion of the Board, except that the Expansion License Application Regulations must require each Person applying for the License ("Expansion License Applicant") to provide the following information:

(1) Information demonstrating that the Expansion License Applicant owns and has the right to possess more than 50% of, is the lessee of and has the right to possess more than 50% of, or has the contractual right to acquire and possess more than 50% of, or be the lessee of and possess more than 50% of property that is eligible to become a Designated VLT Site under the Expansion Proposal;

(2) Information sufficient to allow the Board to determine whether the Expansion License Applicant is "suitable" pursuant to sections 11 and 12 of this Title; and

(3) If the Expansion License Applicant is a non-natural person, a list of all employees, officers, and Principals of the Expansion License Applicant.

(d) Immediately following the Board's publication of the Expansion License Application Regulations (the "Expansion Application Period"), the Board shall accept applications for Licenses in accordance with the Expansion License Application Regulations.

(e) The Board shall award the Licenses permitted under the Expansion Proposal to the Person(s) who have submitted a complete application for the Expansion License Application on the earliest date and who have met the following criteria: (1) the Person is an Eligible Applicant, (2) the Person owns and has the right to possess more than 50% of, is the lessee of and has the right to possess more than 50% of, or has the contractual right to acquire and possess more than 50% of, or be the lessee of and possess more than 50% of property that is eligible to become a Designated VLT Site under the Expansion Proposal, and (3) the Board has found, after investigation, that (i) the License Application is complete and (ii) the Eligible Applicant is suitable, according to the provisions of section 11 and 12 of this Title.

(f) Any Person whose application has been denied pursuant to this section may, within thirty (30) days of the denial of that application, appeal the Board's decision to deny the application to the Superior Court of the District of Columbia.

§ 7 AUTHORITY GRANTED LICENSEE; CONDITIONS

Any License (including the Temporary Initial License and the Initial License) shall entitle the Licensee to acquire (by purchase, lease or otherwise), own, install, operate, repair and maintain VLTs certified by a Certification Company and to conduct VLT Operations, subject to the requirements of this chapter and Rules and Regulations adopted, from time to time, by the Board

pursuant to the authority granted herein, and specifically subject to the following requirements and restrictions:

(1) The Licensee may only conduct VLT Operations at a Designated VLT Site; provided, however, that the Licensee may conduct auxiliary services, including but not limited to the provision of parking facilities, food service, or lodging service, on land adjacent to or within reasonable distance of the Designated VLT Site;

(2) The Licensee operating such Designated VLT Site shall:

(A) Provide, at no cost or expense to the Board, sufficient space and facilities at the Designated VLT Site for the installation and operation of the central computer required pursuant to section 1(21) of this Title and the staff of the Board engaged to operate such central computer; and

(B) Furnish and install the central computer and software; the cost of which central computer and software ("Central Computer Cost") shall be paid by the Licensee.

(3) The Licensee shall maintain continuous suitability for the operation of VLT Operations, under the provisions of sections 13 and 14 of this Title;

(4) The Licensee shall grant the Board the right of inspection of all VLTs, all VLT related Equipment, and all of the Licensee's books and records, and shall permit the Board (including the Director and/or any agent thereof) unrestricted access to the Designated VLT Site; and

(5) Any facility at which VLT Operations are conducted pursuant to the License shall be in compliance with all laws, rules, and regulations of the District of Columbia, including, but not limited to, zoning requirements.

§ 8 REQUIREMENTS FOR VIDEO LOTTERY TERMINALS.

No VLT shall be installed and/or operated in the District of Columbia by a Licensee or otherwise unless such VLT shall:

(1) Be of a class of VLTs which either (A) have been certified by a Certification Company and are in compliance with the provisions of the "Lottery Expansion Initiative Act of 2006" and the Rules and Regulations adopted, from time to time, by the Board under the authority granted in the "Video Lottery Terminal Gamblin Initiative Act of 2006", or (B) are manufactured or assembled by a Manufacturer;

(2) Have a serial number or other identification number permanently affixed thereto by the Manufacturer;

(3) Be connected to a central computer; which central computer must be located on the premises of a Designated VLT Site but shall be owned and operated by the District of Columbia, maintained as directed by the Board, and accessible at all time by the Board or its designee;

- (4) Be capable of being continuously monitored, polled and read by the central computer; and
- (5) Contain an erasable, programmable, read-only memory chip ("EPROM") approved by the Certification Company, which will be paid for by the Licensee and will be owned by the District of Columbia, containing proprietary data, software and firmware required to operate and to secure the operation of the VLT.

§ 9 PERMITS FOR MANUFACTURE, DISTRIBUTION, SERVICE, REPAIR, OR MAINTENANCE OF VLTs.

- (a) The Board shall create and, from time to time, amend a form which shall be completed and submitted by any Person seeking a Permit from the Board to manufacture, distribute, service, repair, or perform maintenance on VLTs in the District of Columbia ("Permit Application"). The Board in its discretion shall determine the content of the Permit Application.
- (b) The Board shall issue the appropriate Permit to the applicant upon (1) receipt by the Board of an application for a Permit submitted by a Manufacturer or Service Technician ("Permit Application"), as the case may be, and (2) a finding by the Board, after investigation, that (A) the Permit Application is complete, and (B) the applicant is suitable, according to sections 11 and 12 of this Title. The Board must grant or deny any Permit Application within ninety (90) days of the date the Permit Application is received by the Board.
- (c) The Permit shall entitle the Permittee to engage in the activity described in the Permit Application and the Permit subject to the requirements of the "Lottery Expansion Initiative Act of 2006" and rules and regulations adopted, from time to time, by the Board pursuant to the authority granted herein. Each Permit issued shall require, as a condition to the Permittee conducting the permitted activity, that the Permittee maintain continuous suitability.
- (d) Any Person whose Permit Application has been denied pursuant to this section may, within thirty (30) days of the denial of that application, appeal the Board's decision to deny the application to the Superior Court of the District of Columbia.

§ 10 TERM OF LICENSES AND PERMITS; RENEWAL; TRANSFER

- (a) All Licenses and Permits shall be issued for a period of five years and shall be renewed for succeeding five-year periods upon the submission by the Licensee or Permittee of a completed, sworn application ("Renewal Application"). Provided that the Licensee or Permittee shall file a completed Renewal Application prior to expiration of its current License or Permit, the term of its current License or Permit shall be deemed extended until the later of the disposition by the Board of such Renewal Application and any judicial review of such disposition.
- (b) Licenses and Permits shall not be transferable without the prior approval of the Board upon joint application of the transferor and transferee.
- (c) Prior to the consummation of a transfer of a License or Permit pursuant to subsection (b) of this section, the following must occur: (1) the proposed transferee ("Proposed Transferee") shall

file a completed and sworn License Application or Permit Application, as the case may be, and (2) the Board shall promptly conduct a suitability investigation of the Proposed Transferee and promptly advise the Proposed Transferee and the proposed transferor of the results thereof. If the Board finds that the Proposed Transferee is suitable, the Board shall promptly issue its written approval of the proposed transfer as provided for in subsection (b) of this section. A determination by the Board that a Proposed Transferee is not suitable shall have no effect on the status or continuity of a License or Permit to the suitability of a Licensee or Permittee provided the proposed transfer is not consummated. The Proposed Transferee shall reimburse the Board for all costs and expenses incurred by the Board in connection with any such suitability investigation.

§ 11 SUITABILITY GENERALLY.

(a) Other than applicants for the Temporary Initial License, no applicant shall be granted a License or Permit under the provisions of the "Lottery Expansion Initiative Act of 2006" unless the applicant has demonstrated to the Board that the applicant is a "suitable" recipient of the License or Permit for which the applicant has applied.

(b) For purposes of the "Lottery Expansion Initiative Act of 2006", an applicant for a License or Permit is "suitable" and/or has met "suitability" standards if the applicant has satisfied the requirements established by the "Lottery Expansion Initiative Act of 2006", including the requirement that the applicant:

- (1) Has satisfied the suitability standards provided in section 12 of this Title;
- (2) Is capable, by virtue of training, education, business experience and/or a combination of the same, of conducting the activity for which the License or Permit is sought;
- (3) If a Licensee, has demonstrated that the applicant has, or can acquire from others, sufficient funds to renovate and/or construct a facility on a Designated VLT Site; acquire and install VLTs and related VLT Equipment and commence and continue VLT Operations; and
- (4) If a non-natural Person, has demonstrated that the applicant's Principals are suitable.

(c) Except as otherwise provided herein, a Person (1) whose application for a License or Permit has been denied, (2) whose License or Permit has been issued subject to a condition, (3) whose License or Permit has been suspended or revoked, (4) against whom a fine has been levied by the Board, or (5) who has been determined by the Board (prior to a hearing) to be "unsuitable", shall have the right to a hearing before the Board with respect to any such denial, condition, suspension, revocation, levy or determination; and such findings, decision and hearing shall be conducted in accordance with the D.C. Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), including any right to judicial review following such hearing.

§ 12 SUITABILITY STANDARDS, DISQUALIFICATION AND DIVESTITURE.

(a) For the purposes of the "Lottery Expansion Initiative Act of 2006", an applicant for a License, Permit or approval is "suitable" if the applicant:

- (1) Is a Person of good character, honesty, and integrity;
- (2) Has not been convicted of, or entered a plea resulting in conviction of: (A) Any offense punishable by imprisonment of more than one year; (B) Theft or attempted theft, or illegal possession of stolen property; (D) Any offense involving fraud or attempted fraud; or (D) Illegal gambling as defined by the laws or ordinances of any municipality, any parish or county, any state, or of the United States;
- (3) Is a person whose prior activities, criminal record, if any, reputation, habits, and associations do not pose a present threat to the public interest of the District of Columbia or to the effective regulation and control of VLT Operations or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in connection with VLT Operations and the business and financial affairs of the applicant incident thereto;
- (4) Is capable of conducting and likely to conduct the activities for which the applicant has requested licensing, permitting or approval in accordance with the provisions of this chapter and/or the rules and regulations adopted, from time to time, by the Board; and
- (5) Is not disqualified pursuant to the provisions of subsection (b) of this section and, if the applicant is a non-natural Person, has demonstrated to the Board that it has adopted and employs adequate hiring and screening procedures to ensure that no current or future employee of the applicant would be disqualified under subsections (b)(1) or (b)(2) of this section.

(b) The Board shall have the right to deny, suspend, condition, or revoke a License or Permit of any applicant for a License or Permit upon a specific finding by the Board that the applicant is 'unsuitable' on the basis of the following criteria:

- (1) The applicant has been convicted of, or entered a plea resulting in conviction of: (a) Any offense punishable by imprisonment of more than one year; (b) Theft or attempted theft, or illegal possession of stolen property; (c) Any offense involving fraud or attempted fraud; or (d) Illegal gambling as defined by the laws or ordinances of any municipality, any parish or county, any state, or of the United States;
- (2) There is a current prosecution or pending criminal charge against the applicant in any federal or state jurisdiction for an offense described in subsection (b)(1) of this section;
- (3) The applicant is not current in filing all applicable personal income tax returns and in the payment of all income taxes, penalties and interest owed to the District of Columbia or the federal government, excluding items currently being disputed by the applicant; or
- (4) The repeated failure by the applicant to provide information and documentation reasonably requested by the Board in order to determine suitability as defined in this chapter; provided however that such failure shall not be considered by the Board during the period of any judicial

challenge by the applicant with respect to the information requested and/or the confidentiality to be afforded to the same by the Board.

(c) Any Person whose License or Permit has been revoked or who has been found "unsuitable" in the District of Columbia is not eligible to obtain any License or Permit pursuant to the provisions of the "Lottery Expansion Initiative Act of 2006" for a period of one (1) year from the date the revocation or finding of unsuitability becomes final beyond right of judicial review.

(d) In the event of a current criminal prosecution of an offense as provided in subsection (b)(2) of this section, the Board, where applicable, shall have the discretion to defer a determination' on an applicant's suitability pending the outcome of the proceedings provided that if a decision is deferred pending such outcome the Board, where applicable, may take such action as is necessary to protect the public interest.

(e) If the Board finds that a Principal of a Licensee or Permittee or its parent entity is not suitable, and if as a result, the Licensee or Permittee is no longer entitled to engage in the activity licensed or permitted, then and in that event the Board shall, subject to the exercise of the Principal's hearing and review rights under this chapter, propose action necessary to protect the public interest. Where possible, in lieu of an order of revocation or suspension of a License or Permit, the Board shall issue an order of disqualification naming the unsuitable Principal and declaring that such Principal may not, except as provided in subsection (f) of this section, (1) directly or indirectly exercise significant influence over the Licensee or Permittee; (2) directly or indirectly receive dividends or interest on securities of the Licensee or Permittee; (3) directly or indirectly receive remuneration or other economic benefit from the Licensee or Permittee; or (4) continue owning or holding, directly or indirectly, securities of the Licensee or Permittee or remain as a manager, officer, director, or partner of the Licensee or Permittee.

(f) Commensurate with the issuance of an order of disqualification under subsection (e) of this section, the Board shall issue an order declaring that such disqualified Principal shall, within thirty (30) days of the disqualifying order, transfer all securities of the Licensee or Permittee owned by the Principal to the trustee of a blind trust as to which the trustee shall be appointed or approved by the Board, which approval shall not be unreasonably withheld or delayed. The trustee of the blind trust shall have the sole and exclusive rights to exercise any right conferred by or incidental to the securities so transferred to and held in the blind trust, except that upon receipt of instruction from the Principal beneficiary, the trustee shall sell so much of the securities of the Licensee or Permittee held in the blind trust as instructed and remit the net proceeds of the sale to the Principal beneficiary together with any dividends, interest, remuneration or other economic benefit associated therewith.

§ 13 PERMISSION TO AWARD LICENSES TO PERSONS TO CONDUCT BUSINESS PRIMARILY AS VLT OPERATORS

Notwithstanding the provisions of D.C. Official Code § 3-1315, the Board may issue a License or Permit or renew a License or Permit to persons whose primary business is to conduct VLT Operations or to perform services related to VLT Operations. The fact that a Person's primary business is to conduct VLT Operations or to perform services related to VLT Operations shall

not be a valid basis for the Board to deny any License or Permit or any renewal of a License or Permit.

§ 14 POWERS AND DUTIES OF THE BOARD RELATIVE TO VLT OPERATIONS.

(a) In addition to those powers granted the Board elsewhere in the "Lottery Expansion Initiative Act of 2006", with respect to VLT Operations, the Board shall adopt all rules and regulations (collectively "Rules and Regulations") necessary to implement, administer, and regulate VLTs and VLT Operations as authorized in the "Lottery Expansion Initiative Act of 2006".

(b) Such Rules and Regulations shall include:

(1) Designation of any technical qualifications (other than suitability as provided for in the "Lottery Expansion Initiative Act of 2006") which must be possessed by a Manufacturer, Distributor or Service Technician in order to be eligible to receive and retain a Permit;

(2) Procedures for the counting, collection and deposit of Net VLT Proceeds into a Licensee's restricted bank account;

(3) Methods and rules permitting VLTs to be linked for the offering of progressive payouts;

(4) Procedures for (A) the accumulation and provision by Licensees and Permittees of specified records, data, information and reports, including financial and income records and reports (collectively "Financial and Operation Materials") and (B) the retention of Financial and Operational Materials by past and present Licensees and Permittees, necessary to enable the Board to properly implement and enforce the provisions of this chapter;

(5) Requirements establishing minimum physical security standards to be observed in Designated VLT Sites;

(6) Requirements establishing standards of maintenance of VLTs and related VLT Equipment; and

(7) Provisions for the revocation and/or suspension of Licenses and Permits, upon post issuance findings of "unsuitability," subject to the rights of Licensees, Permittees and Principals under section 13 of this Title.

(c) The Board may:

(1) Conduct any reasonable investigation which the Board determines necessary to fulfill its responsibilities under the provisions of the "Lottery Expansion Initiative Act of 2006";

(2) Inspect and examine all premises in which Designated VLT Sites are situated and/or where VLTs are manufactured, sold, or repaired;

- (3) Inspect VLTs and related VLT Equipment and supplies;
- (4) Summarily seize and remove VLTs and related VLT Equipment and supplies from any location where such VLTs and/or VLT Equipment and supplies are not or have not been approved, operated, or maintained pursuant to the "Lottery Expansion Initiative Act of 2006" and/or the owners or operators thereof do not hold valid Licenses and/or Permits required by the "Lottery Expansion Initiative Act of 2006";
- (5) Deny, revoke, condition, or suspend the License or Permit of any Person who knowingly violates any provision of this chapter or any of the Rules or Regulations adopted pursuant to the authority granted in the "Lottery Expansion Initiative Act of 2006";
- (6) Take steps necessary to collect fees owed to the Board or the Lottery Fund, including commencing and prosecuting appropriate legal actions; and
- (7) Delegate to the Executive Director and/or cause the Executive Director to perform or exercise any or all of the rights and duties of the Board set forth in subsections (c)(1), (c)(2), (c)(3), (c)(4), and (c)(6).

§ 15 EXECUTIVE DIRECTOR; POWERS AND DUTIES. The Executive Director shall, upon and subject to the direction of the Board:

- (1) Conduct an investigation of any applicant, Licensee, or Permittee for "suitability" and/or violations of the Rules and Regulations and undertake any other investigation, inspection or enforcement action if such investigation, inspection, or action is reasonably necessary to the thorough and efficient implementation of this chapter;
- (2) Establish, maintain, and operate the mechanism and equipment necessary to conduct polling, monitoring or reading of VLTs and VLT Operations;
- (3) Examine VLTs and related VLT Equipment and/or records related thereto and to VLT Gaming Operations;
- (4) Report to the Board any violation of law or Rules or Regulations discovered by the Director; and
- (5) Engage, train, supervise and direct such staff, as the Executive Director and the Board shall deem necessary or appropriate to enable the Executive Director to perform his duties and obligations under this chapter.

§ 16 GAMING DEVICE LIMITATIONS.

Except as otherwise provided by law, no gaming devices other than VLTs shall be present and/or installed and/or operated in any Designated VLT Site.

§ 17 PROHIBITED RELATIONSHIPS.

(a) In addition to any other relationship prohibited by the "Lottery Expansion Initiative Act of 2006", no person employed by or performing any function on behalf of the Board or the Director may:

(1) Be an officer, director, owner, or employee of any Person holding a License or Permit issued by the Board; and

(2) Have or hold any interest, direct or indirect, in, or engage in any commercial transaction or enter into any business relationship with, any Person holding a License or Permit issued by the Board;

(b) No elected public official shall engage in any business activity with a Licensee or Permittee except as a patron. As used in this subsection, the term "business activity" shall specifically include but not be limited to contracts: (1) for the sale or purchase of goods, merchandise, and services; (2) to provide or receive legal services, advertising, public relations, or any other business or personal services; (3) for the listing, purchase, or sale of immovable property or options or other rights relating thereto; and (4) modifying ownership or possessory interests in stocks, bonds, securities, or any financial instruments.

(c) No Person permitted by the Board as a Manufacturer or Distributor may participate in the design, development, ownership, sale, lease, license or operation of any computer program, firmware, software, or any other mechanism that is or may be used for the polling or reading of VLTs or VLT Operations.

(d) No Person may be an owner, investor, employee, or contractor engaged in any VLT operations if such Person has been convicted of, or entered a plea resulting in conviction of: (1) Any offense punishable by imprisonment of more than one year; (2) Theft or attempted theft, or illegal possession of stolen property; (3) Any offense involving fraud or attempted fraud; or (4) Illegal gambling as defined by the laws or ordinances of any municipality, any parish or county, any state, or of the United States; or if there is a current prosecution or pending criminal charge against such Person in any federal or state jurisdiction for an offense described in this subsection.

§ 18 PROHIBITION OF MINORS

(a) No Licensee, Permittee or any agent or employee of either, shall allow a person under the age of twenty-one to play or operate a VLT.

(b) Each Licensee shall report and remit to the Director quarterly in arrears all winnings withheld from customers who are determined to be under the age of twenty-one.

(c) The Board may fine and/or revoke and/or suspend the License or Permit of any Person, who is found by the Board to have willfully committed a violation of this section, provided, however, that if the Licensee affected by a revocation or suspension made under this section, the Licensee shall be entitled to an administrative hearing before the Board pursuant to section 13(c) of this

Title, and, if the affected Licensee chooses to exercise that right, the revocation or suspension shall not take effect until the conclusion of the hearing held pursuant to that section.

§19 UNAUTHORIZED VIDEO LOTTERY TERMINALS; SKIMMING OF VIDEO LOTTERY TERMINAL PROCEEDS; PENALTIES.

(a) Except as otherwise permitted by law, any Person who possesses or operates a VLT without holding a current valid License or Permit required by the "Lottery Expansion Initiative Act of 2006" or at any location other than a Designated VLT Site shall be subject to a fine of not more than ten thousand dollars (\$10,000) per violation.

(b) Any Person who intentionally excludes, or takes any action in an attempt to exclude anything of value from the deposit, counting, collection, or computation of revenues derived from VLT Operations shall be subject to a fine of not more than ten thousand dollars (\$10,000) per violation, in addition to any other criminal penalties which may be imposed pursuant to any other provision of the District of Columbia Official Code.

(c) Any VLT used or offered for play in violation of the provisions of the "Lottery Expansion Initiative Act of 2006", except as otherwise permitted by law, shall be considered a gambling device for purposes of D.C. Official Code § 22-1704.

Sec. 4. Effective date.

This act shall take effect after a 30-day period of Congressional review as provided in section 602(c) of the Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206(c)(1)).

FRIENDSHIP PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

FOR CONSTRUCTION SERVICES

DESIGN AND CONSTRUCTION OF CLASSROOM RESTROOMS

FOR FRIENDSHIP PUBLIC CHARTER SCHOOLS --

WOODRIDGE and CHAMBERLAIN ELEMENTARY

Interested parties shall respond to this RFP by submitting sealed qualification statements and by addressing the specific proposal requirements, as requested in this RFP in an envelope clearly marked "RFP – RESTROOMS FOR FRIENDSHIP PUBLIC CHARTER SCHOOL – WOODRIDGE and CHAMBERLAIN ELEMENTARY" to:

Mr. Bill Brodhag (4 copies, 1 original inclusive)
Friendship Public Charter Schools
904 Pennsylvania Ave., SE
Washington, DC 20003

By no later than: 5:00 PM on Monday, May 22, 2006.

FPCS reserves the right to reject any and all qualification statements, to cancel this solicitation, and to waive any informalities or irregularities in procedure.

Introduction

FPCS is soliciting proposals from offerors having specific interest and qualifications in the areas identified in this solicitation. Qualification statements and proposals for consideration must contain evidence of the offeror's experience and abilities in the specified area and other disciplines directly related to the proposed work. Other information required by FPCS includes the submission of profiles and resumes of the staff to be assigned to the projects, references, illustrative examples of similar work performed, and any other requested information which will clearly demonstrate the offeror's expertise in the area of this solicitation.

A selection committee will review and evaluate all qualification statements and may request offerors to make oral presentations. The selection committee will rely on the qualification statements in the selection of finalists and, therefore, offerors should emphasize specific information considered pertinent to this solicitation and submit all information requested.

Project Description

Chamberlain Elementary is located at 1345 Potomac Avenue SE. The project consists of designing, and installing 4 restrooms in 4 classrooms which are being adapted for Pre-K use at Chamberlain. Woodridge is located at 2959 Carlton Avenue., NE. One restroom is to be constructed to support the Nurse's Suite relocation. Construction is expected to be completed over the summer, in preparation for opening for the 2006-2007 school years.

Qualification Statement Requirements

The offeror shall provide the following information organized as follows in their qualification statement:

1. A brief discussion of the firm, its organization, and services offered;
2. Information which demonstrates a history of providing real estate, development, programming, design management and project management services with single and multi-facility end-users. Experience on fast-track and/or design-build projects of similar nature and scope as those required by this solicitation; knowledge and experience on design and construction of pre-engineered building structures.

3. Owner/Client's name, contact person, telephone number, project description, project value, and prime contractor's name and address for at least three (3) similar construction projects completed by the offeror during the past three (3) years.
4. Proposed team and qualifications and experience of team members; knowledge and experience of team members with education, public school or charter school projects. Knowledge of education facilities start-up, operations, and facilities maintenance requirements
5. Description of successfully completed fast track and/or design-build projects of similar program and complexity in the District of Columbia or surrounding local jurisdictions.
6. Experience and history of the offeror with local building and regulatory requirements, OLBD, LSDBE, and First Source and publicly financed projects. A participation plan for Local and Small Disadvantaged Business Enterprises (LSDBE) shall be required for the successful bidder. For more information on LSDBE certified firms see <http://olbd.dc.gov/>.

Proposal Requirements

Offerors shall submit the following in addition to qualifications:

1. Proposed scope of services
2. Detailed description of proposed development strategy and development issues and anticipated hurdles that the project must deal with to meet the schedule.
3. Proposed Fee and Fee Structure
4. Hourly billing rates for assigned team members
5. Budget hours and cost by day, week, month

Please address the proposal to:

Bill Brodhag
Friendship Public Charter Schools
904 Pennsylvania Ave. SE
Washington, DC 20003
Tel. (202) 675-9060
Email: bbrodhag@friendshipschools.org

For further information, contact Ms. Valerie Holmes at (202) 675-6935 or e-mail at vholmes@friendshipschools.org

Paul Public Charter School
5800 Eighth Street, NW
Washington, DC 20011
Request for Proposals

Soliciting proposals for a special education related service in speech & language therapy. Complete RFP submission requirements may be obtained by contacting Denise Taylor at 202-378-2251 beginning Thursday, May 12, 2006. All proposals are due on Friday, May 19, 2006 at 3:00 PM.

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Office of the Secretary of the
District of Columbia

May 10, 2006

Notice is hereby given that the following named persons have been appointed as Notaries Public in and for the District of Columbia, effective on or after June 1, 2006.

Aldas, Rosa Laura	New	Organization/Amer States 1889 F St,NW 20006
Alonso-Marsden, Ana Carina	New	Ayuda 1707 Kalorama Rd,NW 20009
Bannister-Binder, Ernestine	New	Boies Schiller Flexner 5301 Wis Ave,NW#800 20015
Bouren-Briggs, Rhonda D.	Rpt	1844 Cap Ave,NE 20002
Brennan, II, Edward G.	New	Public Properties 509 7 th St,NW 20004
Brody, Khin Khin Mya	Rpt	Sidley Austin 1501 K St,NW 20005
Brooks, Carolyn A.	Rpt	Skadden Arps et al 1440 N Y Ave,NW 20005
Bryant, Heather A.	New	A B C Radio 4400 Jenifer St,NW 20015
Brynteson, Raymond G.	Rpt	Brynteson Reporting 888 16 th St,NW#800 20006
Buckner, Lori Byrd	Rpt	Olender Reporting 1522 K St,NW #720 20005
Campbell, Karlene	Rpt	M A R Reporting Group 1717 K St,NW#600 20036

Carter, Jenna	New	John Berry P L L C 1990 M St,NW#610 20036
Chapman, Clare Coplan	Rpt	Einhorn Yaffee Prescott 1000 Potomac St,NW 20007
Chauncey, Lisa A.	New	Boies Schiller Flexner 5301 Wis Ave,NW 20015
Chin, Jennifer	New	Dreyfus Property Group 2001 K St,NW#202 20006
Dabo, Mohamed	New	Silver Time 1600 Benning Rd,NE 20002
Davis, Jessica L.	New	The Ford Agency 1660 L St,NW#603 20036
Dillard, Traci L.	New	Hines 555 13 th St,NW#1020E 20004
Dooley, Jason W.	New	Quadel Consulting 1200 G St,NW#700 20005
Duffy, Zenette D.	New	America's Choice 555 13 th St,NW#500W 20004
Eisenrauch, Barbara	Rpt	Motorola 1350 I St,NW #400 20005
Frake, Janet D.	New	Humane Society of U.S. 2100 L St,NW 20037
Frenkel, Ruth	Rpt	National R E O Auctions 3402 Conn Ave,NW 20008
Fuentes, Sebastian V.	New	Bank Fund Staff F C U 1818 H St,NW 20433
Garcia, John E.	New	Wells Fargo Home Mortgage 1225 N Y Ave,NW#350 20005
Gilmer, Jr., Dan OIA	New	P N C Bank 5530 Conn Ave,NW 20015

Giordano, Linda M.	New	NatlAssoc/Letter Carriers 100 Indiana Ave,NW 20001
Gonzales, Rosalita I.	New	Bank Fund Staff F C U 1750 H St,NW#300 20006
Graham, LaShonne	New	Consumers Energy 1016 16 th St,NW#500 20036
Harris, Alicia R.	New	U S Chamber of Commerce 1615 H St,NW#230 20062
Haynes, Erica	New	United States Steel Corp 1101 Pa Ave,NW#510 20004
Hofinger, Stephanie A.	New	Cohen Milstein et al 1100 N Y Ave,NW#500WT 20005
Hukmani, Neeta	New	Ruesch International 700 11 th St,NW 20001
Interdonato, Carmela F.	Rpt	CitiGroup 1101 Pa Ave,NW#1000 20004
Jackson, Carlotta Marie	New	17 U St,NW 20001
Jackson, Jr., Paul	New	Wachovia Bank 3325 14 th St,NW 20010
Jackson, Tracey I.	New	Boies Schiller Flexner 5301 Wis Ave,NW 20015
Jelavich, Caroline	New	Birch Horton et al 1155 Conn Ave,NW#1200 20036
Johnson, Kimberly A.	New	Green Door 1221 Taylor St,NW 20011
Johnson, Lynette J.	Rpt	Shearman Sterling 801 Pa Ave,NW#900 20004
Jones, Lisa M.	New	Fried Frank Harris et al 1001 Pa Ave,NW 20004

Jones, Robin A.	New	Natl Crime Prevention 1000 Conn Ave, NW 20036
Kang, Jin Daniel	New	Bank Fund Staff F C U 1818 H St, NW 20433
Khanna, Vainoo	Rpt	Chevy Chase Bank 1700 K St, NW 20006
Kingsbury, Reshida	Rpt	Patton Boggs 2550 M St, NW 20037
Klein, Kathryn M.	Rpt	Little Sisters of Poor 4200 Harewood Rd, NE 20017
Kramer, Jonathan	Rpt	Skadden Arps et al 1440 N Y Ave, NW 20005
Lutfi, Ben A.	New	P N C Bank 800 17 th St, NW 20006
McPherson, Elizabeth	New	Carnegie Endowment/Peace 1779 Mass Ave, NW 20036
Mack, Catherine R.	New	5415 Cathedral Ave, NW 20016
Meissner, Carla S.	New	Boston Properties 901 N Y Ave, NW#400 20001
Middleton, Jean Reddix	Rpt	NASULGC 1307 N Y Ave, NW#400 20005
Morgan, Arthinia	New	RSC Electrical 6035 Dix St, NE 20019
Morton-McFadden, Nicole	New	The Washington Post 1150 15 th St, NW 20071
Musica, Kathryn K.	New	D C Law Students in Court 806 7 th St, NW#300 20001
Newkirk, Erika	New	O'Connell & Glock 1100 Conn Ave, NW 20036

Odige, Jean Robert	New	6000 13 th St, NW#309 20011
Paumen, Darling L.	New	Bank Fund Staff F C U 1750 H St, NW#300 20006
Penn, Melfi	Rpt	Nova International 3401 K St, NW#201 20007
Perry, Phyllis W.	New	Reed Smith 1301 K St, NW#1100ET 20005
Porter, Alice H.	Rpt	Regan Zambri Long 1919 M St, NW#350 20036
Ramsey, Angela	New	Law Office of Melvin Otey 3609 Ga Ave, NW#200 20010
Randolph, Earl E.	New	N A S A Fed Credit Union 500 5 th St, NW#310 20001
Reed, Peggy J.	New	McQuade Brennan 1730 R I Ave, NW#800 20036
Reiersen, Patricia	New	Pension Benefit Guaranty 1200 K St, NW 20005
Richardson, Reginald E.	New	N A H B 1201 15 th St, NW 20005
Roseborough, Kenneth	New	Mobile Notaries Group 1717 K St, NW#600 20036
Roy, Felicia	New	Wilmer Cutler et al 2445 M St, NW 20037
Ruscoe, Judith M.	Rpt	The Barac Company 6901 14 th St, NW 20012
Salmi, Maria	Rpt	Kalos Construction 325 Vine St, NW 20012
Steward, Edith B.	New	Gould Property 1725 DeSales St, NW#900 20036

Stringer, Douglas M.	New	Session Title Services 1150 Conn Ave, NW#900 20036
Sudah, Nkili Asha	New	Glover Park Group 3299 K St, NW#500 20007
Supchak, Leonard M.	Rpt	AFL CIO Fed Credit Union 1750 N Y Ave, NW 20006
Sutton, Jr., Willie E.	New	Sutton's Process Service 1200 G St, NW#800 20005
Thrash, Shannon K.	New	Cooley Godward 875 15 th St, NW#800 20005
Tibbs, Cheryl L.	New	Session Title Services 1150 Conn Ave, NW#900 20036
Tillman, Sarah L.	Rpt	MedStar Health 2115 Wis Ave, NW#201 20007
Van Fossen, Sarah E.	New	Faison & Associates 709 G St, NW#300 20001
Vasquez, Gladys Hope P.	New	Bank Fund Staff F C U 1750 H St, NW#300 20006
Watson, Karen B.	New	Natl Crime Prevention 1000 Conn Ave, NW 20036
Williams, Kasara	New	Akridge 601 13 th St, NW#300N 20005
Williams, Leiya R.	New	Jenner & Block 601 13 th St, NW#1200S 20005
Yaffee, Ariele	New	Kissinger McLarty Assoc 1775 Pa Ave, NW#450 20006

NOTICE OF REQUEST FOR PROPOSALS

Two Rivers Public Charter School

Two Rivers Public Charter School, in compliance with Section 2204 (c) of the District Of Columbia School Reform Act of 1995 ("Act"), hereby solicits expressions of interest for the following services.

I. Food Services Sought:

Catering for Breakfast (approx. 40 students)

Catering for Lunch (approx. 150 students)

Approx. 40% Free/Reduced Lunch

The meals must meet or exceed federal nutrition requirements and all compliance Standards of the USDA. School Breakfast Program.

(All bid proposals must be submitted in the National School Lunch Program Format)

II. Technology Management Services Sought:

Superior technology management services sought to provide IT project management, systems analysis, strategic guidance, troubleshooting, and staff training.

III. Auditing Services Sought:

Services to conduct the audit in accordance with auditing standards generally accepted in the United States and "Government Auditing Standards" issued by the Comptroller General of the United States. Bidders must be listed as approved auditors by the D.C. Public Charter School Board.

IV. Occupational Therapy Services Sought:

Occupational therapy services for students preschool through grade 5.

V. Speech Therapy Services Sought:

Speech therapy services for students preschool through grade 5.

VI. Accounting and Business Services:

Bookkeeping and accounting business services sought.

VII. Tutoring Services:

Targeted literacy and/or math tutoring services for students grade 1 to 5 in small group setting.

For Additional Information and Statements of Work E-Mail:

procurement@tworiverspcs.org. Please indicate the specific statement of work for bid in the e-mail. Deadline for submissions is May 31, 2006 at 5pm

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF SPECIAL PUBLIC MEETING

The Zoning Commission of the District of Columbia, in accordance with § 3005 of the District of Columbia Municipal Regulations, Title 11, Zoning, hereby gives notice that it has scheduled a Special Meeting for Thursday, May 25, 2006, at 6:00 P.M., to consider various items.

For additional information, please contact Sharon Schellin, Secretary to the Zoning Commission at (202) 727-6311.

ZONING COMMISSION ORDER NO. 05-27
Z.C. Case No. 05-27
(American University – Further Processing of Campus Plan
– 4400 Massachusetts Avenue, NW)
January 30, 2006

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on November 7, 2005 to consider an application from American University (“AU” or “Applicant”) for review and approval of a further processing application to permit the construction of a new School of International Service (“SIS”) building, pursuant to §§ 210 and 3135 of the District of Columbia Municipal Regulations (“DCMR”), Title 11, Zoning. Pursuant to 11 DCMR §§ 210 and 3135, the Commission heard the case under the rules of the Board of Zoning Adjustment set forth in 11 DCMR Chapter 31. At a public meeting on January 30, 2006, the Commission voted 4-0-1 to approve the application.

The self-certified application was filed August 17, 2005. The new SIS building will be located on AU’s main campus along Nebraska Avenue, NW. (Square 1600, Lot 1).

No requests for party status were made. Advisory Neighborhood Commission (“ANC”) 3D was automatically granted party status.

PRELIMINARY MATTERS:

Applicant’s Case. The Applicant offered testimony and evidence from David Taylor, Chief of Staff to the President of American University, and Jorge Abud, Assistant Vice President of Facilities and Administrative Services, and the following experts: Carl Elefante, Architect, Quinn Evans Architects; Marsha Lea, Landscape Architect, EDAW, Inc; and Matthew Huston, Traffic Engineer, HNTB Corporation. Mr. Taylor discussed the history of the School for International Service, the need for the new SIS building, and the community dialogue process undertaken by the Applicant, noting that AU understood that the traffic impact on Nebraska Avenue was a primary and sensitive concern for the surrounding community. In response to those concerns, AU agreed to widen Nebraska Avenue for the dedicated left turn lanes.

Carl Elefante, admitted as an expert in architecture, addressed the design goals for the SIS building, the organization of the building, its relationship to the AU campus and the environmentally-sensitive, “green” aspects of the building. Marsha Lea, admitted as an expert in landscape architecture, discussed the siting of the proposed new SIS building and the ability to

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introduce a new pedestrian gateway into the campus opposite the large surface parking lot across Nebraska Avenue. Ms. Lea noted that there are several sustainable aspects of the building's design, including rain gardens and a cistern on site that will support on-site irrigation.

Matthew Huston of the HNTB Corporation, admitted as an expert in transportation engineering, testified to the process that was undertaken in preparing the HNTB traffic study and the conclusions of that analysis. Mr. Huston noted the following conclusions:

- Nebraska Avenue is a congested roadway during peak periods due to capacity constraints at Ward Circle and to a lesser extent at Foxhall Road. The intersections adjacent to the Campus at Newark Street and New Mexico Avenue play a minor role in congestion, and absent the impacts of the congestion at Ward Circle and Foxhall Road, these intersections would operate at a good level of service.
- The proposed SIS building will generate a small volume of new traffic on Nebraska Avenue and will result in minor traffic impacts that would go unnoticed by most motorists. The anticipated changes in traffic volumes are very small compared to the total volume of traffic on Nebraska Avenue and are comparable to the normal variation in traffic from day-to-day.
- The level of service analysis conducted at the intersection of Nebraska and New Mexico Avenues in itself does not justify widening Nebraska Avenue to five lanes.
- As the number of parking spaces on campus will increase with this application, there will be no increase in pressure on off-campus parking in the surrounding neighborhoods.
- With the proper site design, the new SIS building and its related parking facilities will not interfere with pedestrian traffic crossing Nebraska Avenue. (Testimony of Matthew Huston, Tr. pp. 27-29.)

Government Reports. The Office of Planning ("OP"), in its report dated October 28, 2005 and through its testimony at the public hearing, recommended approval of the further processing application with a single condition. The OP report noted that the proposed new SIS building would not only be in conformance with the number of stories, building height, square footage, and setback requirements from Nebraska Avenue (as conditioned in the approved Campus Plan), it would be smaller than what was allowed by the Campus Plan. The OP report outlined the Applicant's satisfaction of the requirements of § 210 of the Zoning Regulations and the requirements for development of Building Sites D and E enumerated in the approved Campus Plan. OP concluded that the proposed application is in compliance with the provisions of § 210 of the Zoning Regulations, provided that the total amount of garage parking provided for Projects D and E will not exceed 520 spaces. (OP report, pp. 1, 4, and 9; Exhibit 21 of the record.)

The District Department of Transportation ("DDOT") submitted a report, dated October 17, 2005, indicating that:

- DDOT concurred with the recommendation that the Applicant work with DC agencies, neighboring property owners, and the community to develop a detailed streetscape plan for Nebraska Avenue from north of Ward Circle to Rockwood Parkway, incorporating the provision for widening Nebraska Avenue, using AU property, to add a fifth lane for turning movements.
- DDOT concurred that, with appropriate setbacks and proper site design, the SIS building and parking facilities will not interfere with pedestrian crossing at Nebraska Avenue.
- The additional parking spaces will not compromise ingress and egress.

ANC Report. Advisory Neighborhood Commission 3D adopted a unanimous resolution (6-0-0) in opposition to the further processing application at its October 5, 2005 public meeting. In a letter to the Commission dated October 17, 2005, the ANC noted its objection to the application based on five factors: (i) the application was inconsistent with the 2000 Campus Plan; (ii) the proposed SIS building would cause gridlock, and the Applicant's traffic study was fatally flawed; (iii) the application violated the 2000 Campus Plan and would create unmitigated traffic congestion that would have serious adverse consequences for the neighborhood; (iv) AU failed to abide by its obligation to "work with" the community; and (v) AU failed to inform the community of its plans for the original School of International Service.

ANC Commissioner Hugh Mullane presented testimony at the public hearing on behalf of the ANC in opposition to the application. Mr. Mullane testified that the ANC desired the vehicular entrance to the parking garage should come internally through the campus and not from Nebraska Avenue. Mr. Mullane also testified that the existing traffic conditions on Nebraska Avenue are problematic and that the proposed application will create extra traffic and density on Nebraska Avenue.

Persons in Opposition. Michael Mazzuchi, who lives at 4430 Macomb Street, NW, testified in opposition to the application. Mr. Mazzuchi stated that he believed AU has not recognized the traffic problem that the application would create and has not realistically assessed alternatives. Mr. Mazzuchi also testified that he considered the HNTB traffic study to be flawed and inadequate.

FINDINGS OF FACT:

BACKGROUND

1. AU submitted its proposed Campus Plan for the period 2000 through 2011 (the "Campus Plan") to the Board of Zoning Adjustment on August 24, 2000. Thereafter, responsibility for the review and approval of campus plans and further processing applications was transferred to the Commission. The Commission approved the Campus Plan and three further processing applications (the construction of the Katzen Arts Center, an addition to the Mary Graydon Center, and the enclosure of the campus road under Butler Pavilion) on January 8, 2002 pursuant to Z.C. Order No. 949. On April 30, 2002, the Commission issued Order No. 949-A that restated the Commission's intent that the bleacher seats approved in the Campus Plan were to face the athletic fields, and adopted a new condition of approval that included certain

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commitments of AU that were offered during the public hearing process that were not included in Order No. 949. Subsequently, the Commission's approval of the Campus Plan was appealed to the DC Court of Appeals. The Court of Appeals upheld the Commission's approval of the Campus Plan as rational, supported by substantial evidence in the record, and compliant with legal requirements in all but one respect. The Court of Appeals remanded the case to allow the Commission to articulate with particularity its reasons for declining to follow the recommendation of ANC 3E and ANC 3D that AU be required to place parking stickers in all AU-related vehicles. The Campus Plan Remand Order, Order No. 949-B, became effective on November 18, 2005. In this Order, the Commission addressed with particularity its rationale for not requiring AU to place parking stickers in all AU-related vehicles.

SIS HISTORY, NEED FOR NEW BUILDING, CAMPUS PLAN CONDITIONS

2. The Applicant's School of International Service was founded in 1957 and has been headquartered in the same two-story building on Nebraska Avenue since its inception. The current SIS enrollment includes approximately 1,150 undergraduate students and approximately 925 graduate students from approximately 150 countries. The existing SIS building includes approximately 11,586 square feet, which the Applicant stated was not sufficient to meet the programmatic and physical space needs of SIS. Currently, SIS faculty are spread throughout other buildings on the campus. The need for a new SIS building was identified in the 1989 Campus Plan but was never built. The 2000 Campus Plan once again noted the need for the development of a new SIS facility. (Statement of the Applicant, pp. 2-3; Exhibit 17 of the record. Transcript of November 7, 2005 Public Hearing ("Tr.") pp. 13-15, testimony of David Taylor.)

3. The proposed new SIS building will allow the school to conduct virtually all of its activities in its own building, providing flexibility to better support its academic program. The new SIS building will provide up-to-date lecture halls, informal gathering spaces, and offices for students, faculty, and staff. No student enrollment increase will directly result from this application. (Statement of the Applicant, pp. 3 and 6; Exhibit 17 of the record.)

4. The proposed new SIS building will be located along Nebraska Avenue at the approximate location where New Mexico Avenue intersects Nebraska Avenue. This site is currently improved with a surface parking lot that provides approximately 90 parking spaces and is adjacent to the existing SIS building. (Statement of the Applicant, p. 3; Exhibit 17 of the record.)

5. The Campus Plan refers to the existing parking lot as Building Site D and to the site of the existing SIS building as Building Site E. The Campus Plan envisioned that Building Site D would include a building consisting of 100,000 square feet, a height of 60 feet, and an underground parking garage. It was initially envisioned that a building accommodating library expansion, classrooms, and academic offices would be constructed on this site. The Campus Plan anticipated that the existing SIS building would be demolished and that an 80,000-square-foot, 60-foot-tall building with an underground parking garage would be constructed on Building Site E. In total, the two parking garages on Building Sites D and E would include 520 parking spaces. (Statement of the Applicant, p. 3; Exhibit 17 of the record.)

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6. The Campus Plan included the following conditions/guidelines for the development of Building Sites D and E:

- The height of the buildings should not exceed 60 feet and the gross floor area should not exceed 100,000 square feet for Project D or 80,000 square feet for Project E;
- The buildings should be set back from Nebraska Avenue the same distance as Hurst Hall;
- The Applicant shall provide trees and softscape to enhance the special character of Nebraska Avenue;
- The Applicant shall work with D.C. agencies, neighboring property owners, and the community to develop a detailed streetscape plan for Nebraska Avenue from north of Ward Circle to Rockwood Parkway, incorporating the provisions for widening Nebraska Avenue, using AU's property, to add a fifth lane for turning movements; and
- The Applicant shall design ramps to the parking garage under the building to minimize the impact on Nebraska Avenue traffic from turning movements created as a result of this project.

(Statement of the Applicant, pp. 7-8; Exhibit 17 of the record.)

7. AU submitted information into the record regarding the Applicant's satisfaction of the requirements of § 210 of the Zoning Regulations, including compliance with the maximum bulk requirements of the R-5-A District and compliance with conditions of the Campus Plan Order. (Statement of the Applicant, pp. 5-15; Exhibit 17 of the record.)

8. The Applicant has determined that the existing SIS building on Building Site E can still serve a beneficial purpose for the University in providing general classroom and office space. Therefore, the existing SIS building will not be demolished; rather the existing SIS building will be retained for classroom and office use by other university programs. (Statement of the Applicant, p. 4; Exhibit 17 of the record. Testimony of J. Abud, Tr. pp. 59-60.)

PROPOSED NEW SIS BUILDING

9. The new SIS building will include three floors above grade plus a mechanical penthouse (and a terrace level below grade), will have a maximum building height of 48 feet, and will include approximately 65,400 square feet of gross floor area. Two levels of below-grade parking will provide approximately 300 parking spaces. The entrance to the parking garage will be from a curb cut on Nebraska Avenue that aligns with the existing New Mexico Avenue/Nebraska Avenue intersection. The parking garage entrance has been designed with a long travel distance from Nebraska Avenue, via a curved vehicular entrance ramp, in order to prevent any adverse traffic impacts on Nebraska Avenue from cars waiting to enter the parking garage. No gate or ticket booth will impede cars from entering the parking structure in a timely and efficient manner. In fact, vehicles will travel unimpeded approximately 360 feet before encountering the first parking space. (Statement of the Applicant, p. 4; Exhibit 17 of the record.)

10. The appearance of the new SIS Building along Nebraska Avenue will be reminiscent of numerous existing buildings on the campus, with an updated architectural treatment. The façade will consist of precast concrete in a buff color with punched windows. The entrance to the parking garage on Nebraska Avenue will be visually buffered through landscaping and hardscape materials. A low stone wall will provide an appropriate visual buffer of the parking garage entrance from Nebraska Avenue. The exterior of the new SIS building facing the campus quadrangle will provide an open and inviting presence at this end of the campus. The façade will include large glass windows showcasing a rounded entry rotunda. The building's interior will include a large glass enclosed atrium with numerous areas for student interaction and small group meetings. A café terrace will also be created at the ground-floor level in the area between the proposed SIS building and the Bender Library. (Statement of the Applicant, pp. 4-5; Exhibit 17 of the record.)

11. The Applicant agreed to widen Nebraska Avenue, along its western edge in front of Building Sites D and E (within the existing public right-of-way), in order to provide a dedicated left-turn lane for northbound vehicles making a left turn into the SIS parking garage and for vehicles making a left turn from southbound Nebraska Avenue onto New Mexico Avenue. (Statement of the Applicant, pp. 4 and 9; Exhibit 17 of the record.)

12. The proposed new SIS building will also provide numerous environmentally-sensitive features, including:

- The collection and storage of rainwater from the roof into a cistern for landscape irrigation use;
- The potential for future generation of renewable energy on site with roof-mounted thin film photovoltaics;
- The optimization of window and skylight locations to bring daylight deep into the building, reducing the need for artificial lighting;
- The provision of fresh air into offices through the use of operable windows, the creation of natural air flows within the building using ventilated skylights and mechanical penthouses;
- Use of materials, the production of which minimizes harm to the environment; and
- A vegetated roof, which slows and filters stormwater runoff and provides thermal insulation for the building.

(Statement of the Applicant, p. 5; Exhibit 17 of the record.)

13. The Commission credits the testimony of the Applicant's traffic expert. The Traffic and Parking Study prepared by the HNTB Corporation reached the following conclusions:

- Nebraska Avenue is congested during peak periods due to traffic volumes exceeding capacity at Ward Circle and, to a lesser extent, the Foxhall Road intersection.

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- The proposed SIS parking garage would generate a small volume of new traffic on Nebraska Avenue, and thus result in no significant traffic impacts on this street. The computed change in delay due to this small volume change would go unnoticed by most motorists.
- Anticipated changes in traffic volumes are very small compared to the total volume of traffic on the roadways. The estimated increase in traffic volumes is on the order of the normal variation in traffic volumes from day to day.
- The alternative lane configurations and operating schemes examined for the proposed SIS driveway show little variation in average intersection delay and would go unnoticed by most motorists.
- The level of service analysis in itself does not justify widening Nebraska Avenue to five lanes with exclusive left turn lanes at New Mexico Avenue. The improvements would not result in noticeable travel time differences along Nebraska Avenue during peak periods because the true capacity constraints in the corridor would remain unaddressed.
- No increase in pressure on off-campus parking in the surrounding neighborhoods is anticipated, as the number of parking spaces on campus will increase with this application.
- With proper site design, the SIS Building and its parking facilities will not interfere with pedestrians crossing Nebraska Avenue.

(Statement of the Applicant, pp. 6-7, Exhibit C to the Statement; Exhibit 17 of the record.)

14. The University engaged in dialogue with members of the adjacent community and the ANC regarding the proposed new SIS building. Representatives of the University made presentations to ANC 3D on July 6, 2005 and October 5, 2005 regarding this application. University representatives also made a presentation to ANC 3E on July 14, 2005 to further notify the larger community of this project. The Applicant made presentations to smaller neighborhood working groups regarding the new SIS building on March 15, 2005; April 19, 2005; May 17, 2005; and September 20, 2005, as well as providing SIS project updates at the Liaison Committee meetings. (Statement of the Applicant, p. 15 and Exhibit E; Exhibit 17 of the record.)

15. One of the goals of the approved Campus Plan was to remove surface parking lots and put parking spaces in garages on the perimeter of campus so as to create more green space on the campus. In addition, the approved Campus Plan sought to remove vehicular traffic that currently runs through the center of campus and reduce pedestrian vehicular conflicts and create a safer pedestrian environment. (Testimony of M. Lea, Tr. pp. 102-103.)

16. In response to comments raised by the Commissioners, the Applicant filed a post-hearing submission on December 5, 2005. Included in the post-hearing submission were the following documents:

- Proposed Site Landscape Plan - The parking garage entrance was reduced from three lanes to two lanes. This results in approximately 1,500 square feet of additional green space in front of the proposed new SIS building and moves the

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- parking garage ramp area farther from the Nebraska Avenue sidewalk.
• Studies of the Impacts of the Proposed Widening of Nebraska Avenue - The creation of the additional lane of Nebraska Avenue would result in the removal of the following existing street trees: one four-inch oak; three 18-inch elms; three three-inch oaks; one 10-inch oak; and one 42-inch oak. If the lane is not created, the only street tree that will be required to be removed along Nebraska Avenue is the 10-inch oak tree.

The creation of the additional lane would result in the removal of approximately 6,000 square feet of green space. This area will be replaced with asphalt.

The construction of the new SIS building will allow the Applicant to remove two existing curb cuts on Nebraska Avenue: (i) the curb cut between the existing SIS building and Hurst Hall and (ii) the curb cut between Hurst Hall and the Ward Circle building.

- Elevations, Plans and Building Section - Elevations depicting minor refinements to the building's façade, the appearance of the entrance to the parking garage, and the proposed roof structure. In addition, plans for the roof and first level of the parking garage, as well as a section of the building were submitted.
(Exhibit 28 of the record.)

17. At the January 9, 2006 Public Meeting, the Commission requested that the Applicant provide additional plans that depict the vehicular entrance from Nebraska Avenue into the SIS site with a reduced width, in order to minimize the loss of greenspace on the site. On January 19, 2006, the Applicant submitted plans that depicted a two-lane vehicular entrance into the SIS site. (Exhibit 34 of the record.)

18. The Commission finds that the Applicant complies with the maximum bulk requirements of the R-5-A District, and has submitted a campus plan that adequately details the location, height, bulk, and use of all existing and proposed buildings on the campus, and that the use categories used by AU are adequate to describe the proposed uses of the various facilities on campus. AU proposed no interim use of the property, and no major new building was proposed to be moved off campus. The Commission finds that the proposed new SIS building is within the floor area ratio limit for the campus as a whole.

CONCLUSIONS OF LAW:

The Applicant is seeking a special exception under § 210 of the Zoning Regulations for a further processing application of an approved campus plan. The Commission is authorized to grant a special exception where, in the judgment of the Commission based on a showing of substantial evidence, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with the zoning regulations and zoning maps, subject to certain conditions specified in § 210.11 (DCMR § 3108.1). Uses that are permitted by special exception are presumed to be appropriate for the applicable zoning district as long as certain conditions are satisfied. The Zoning Regulations specify that use as a university in a residential zone shall be

located so that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions. (11 DCMR § 210.2)

The Commission notes that the proposed construction of the new SIS building does not anticipate an increase in students. The Commission also finds that the location of the proposed building and alignment of the entrance to the parking garage with the intersection of Nebraska and New Mexico Avenues is appropriate and entirely consistent with the goals and policies of the Campus Plan. The Commission finds that the design, appearance, and environmentally-sensitive features of the new SIS building are appropriate and further the special nature of AU's campus along Nebraska Avenue. Based on the post-hearing submission of the Applicant, the Commission believes that the proposed widening of Nebraska Avenue will have an adverse impact on the appearance of the campus along Nebraska Avenue due to the loss of greenspace and existing street trees.

Based on these factors, the Commission finds that the new SIS building, without the proposed widening of Nebraska Avenue and with a two-lane vehicular entrance from Nebraska Avenue into the SIS site, is not likely to become objectionable to neighboring properties due to noise, number of students, or other objectionable conditions.

In regard to the potential traffic impacts on the surrounding roadway network, the Commission agrees with the findings and determinations of the District Department of Transportation that the construction of the new SIS building and related parking facility will not cause any adverse impacts related to ingress and egress into the parking garage from Nebraska Avenue or adverse impacts on pedestrians crossing Nebraska Avenue to enter the Campus. However, the Commission does not believe that the proposed widening of Nebraska Avenue, to allow for a dedicated left-turn lane into the new SIS building and a dedicated left-turn lane onto New Mexico Avenue, is necessary. The Commission relies on the written submissions of the Applicant's traffic expert and testimony at the public hearing that the traffic generated by the new SIS building does not warrant the proposed widening of Nebraska Avenue and that such widening of Nebraska Avenue will not result in noticeable travel time differences along Nebraska Avenue during peak periods, because the true capacity constraints in the corridor would remain unaddressed. The Commission also notes the Applicant's traffic expert concluded that there would be no increase in pressure on off-campus parking in the surrounding neighborhoods as a result of this application. Therefore, the Commission believes that the record fully supports a finding that the further processing application, without the widening of Nebraska Avenue for dedicated left-turn lanes, would have no negative impacts on neighboring properties from traffic or parking.

The Commission concurs with, and gives great weight to, the Office of Planning's conclusion that the proposed project fully meets the conditions enumerated in § 210 of the Zoning Regulations, and the conditions included in the Campus Plan regarding the development of Building Site D.

The Commission is required by statute to give "great weight" to the issues and concerns raised by the affected ANC. The Commission notes the five general areas of concern raised by ANC 3D but finds the ANC's arguments unpersuasive. The Commission finds that the proposed new

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SIS building is consistent with the approved Campus Plan and, as noted by the OP report, is smaller than the building that was approved for Building Site D. The Commission concludes that the Campus Plan clearly anticipated that development on Building Sites D and E would include direct vehicular access from Nebraska Avenue. Requiring AU to provide access to the parking garage in the new SIS building from the interior of campus would be contrary to the Campus Plan's goals of reducing vehicular-pedestrian conflicts on the interior of campus and would also result in the loss of green space and trees. The Commission concurs with the conclusion of the Applicant, the Applicant's traffic expert, and DDOT that the proposed entrance to the parking garage at the intersection of Nebraska and New Mexico Avenues will not compromise ingress and egress into the parking garage and will not cause traffic gridlock on Nebraska Avenue. The Commission does not find any evidence in the record to conclude that the Applicant's traffic analysis was flawed.

The Commission notes that AU proposed to widen Nebraska Avenue for a dedicated left-turn lane in response to neighborhood concerns regarding traffic on Nebraska Avenue. While the Commission appreciates the Applicant's desire to address community concerns, the Commission agrees with the conclusions of the Applicant's traffic expert that the proposed traffic anticipated by the new SIS building does not justify the widening of Nebraska Avenue. The Commission finds that the Applicant did in fact satisfy the requirements of the Campus Plan in working with the community and notes the significant number of meetings and presentations that occurred between the Applicant and the community.

Finally, the Commission notes that the Applicant discussed in the pre-hearing statement, as well as in testimony at the public hearing, that it intends to continue to use the existing SIS building for academic purposes and that it also remains available as a site for future development, consistent with the conditions of the Campus Plan and this Order.

The Commission concludes that the further processing application satisfies the requirements of § 210 of the Zoning Regulations. Accordingly, it is **ORDERED** that the application is **GRANTED SUBJECT** to the following **CONDITIONS**:

- 1) The SIS building shall be constructed in accordance with the plans submitted as part of Exhibit 17, Exhibit 28, and Exhibit 34 of the record.
- 2) The Applicant shall remove two existing curb cuts on Nebraska Avenue: (i) the curb cut between the existing SIS building and Hurst Hall and (ii) the curb cut between Hurst Hall and the Ward Circle building upon completion of the new SIS building.
- 3) The combined total of underground parking for Buildings D and E shall not exceed 520 parking spaces and no additional curb cuts on Nebraska Avenue for the development of Building E will be permitted.

VOTE: 4-0-1 (Carol J. Mitten, Anthony J. Hood, John G. Parsons, Gregory N. Jeffries to approve; Michael Turnbull, having not participated, not voting)

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BY ORDER OF THE D.C. ZONING COMMISSION

Each concurring member approved the issuance of this Order.

FINAL DATE OF ORDER: _____

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE 10 DAYS AFTER IT BECOMES FINAL.

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 PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, 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.

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, UNLESS THE COMMISSION ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY,

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SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION THAT IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

**OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES
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3	DCMR ELECTIONS & ETHICS (JUNE 1998)	\$20.00
4	DCMR HUMAN RIGHTS (MARCH 1995).....	\$13.00
5	DCMR BOARD OF EDUCATION (DECEMBER 2002).....	\$26.00
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