

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
941 NORTH CAPITOL ST., NE, 7TH FLOOR, SUITE 7200
WASHINGTON, DC 20002
(202) 442-4423

HEARING DATE: JUNE 22, 2005

APRIL 22, 2005, NOTICE IS HEREBY GIVEN THAT THE FOLLOWING PERSONS HAVE APPLIED FOR A LICENSE UNDER THE D.C. ALCOHOLIC BEVERAGE CONTROL ACT, THAT THE OBJECTORS ARE ENTITLED TO BE HEARD BEFORE THE GRANTING OF SUCH LICENSES ON JUNE 22, 2005 10:00 A.M., 7TH FLOOR, SUITE 7200, 941 NORTH CAPITOL ST., N.E.

LICENSE NO. 22829, APPLICATION NO. 4385, LMC CORP. T/A LATIN JAZZ ALLEY, RETAILER'S CLASS "C"(RESTAURANT), 1721 COLUMBIA RD., NW WARD 1 ANC 1C05

LICENSEE REQUEST PERMISSION TO CHANGE THE HOURS OF OPERATION FROM 11AM-11PM , SUNDAY THROUGH SATURDAY TO 11AM-2AM, SUNDAY THROUGH THURSDAY AND 11AM-3AM, FRIDAYS AND SATURDAYS.

PETITION AND/OR REQUEST TO APPEAR BEFORE
THE BOARD MUST BE FILED ON OR BEFORE
JUNE 7, 2005

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WASHINGTON, DC 20002
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LICENSE NO. 24834, APPLICATION NO. 34996, COLUMBIA STATION, INC. T/A COLUMBIA STATION, RETAILER'S CLASS "C"(RESTAURANT), 2325 – 18TH ST., NW WARD 1 ANC 1C07

LICENSEE REQUEST PERMISSION TO OPEN FOR LUNCH AT 11AM, CURRENTLY THE HOURS BEGIN AT 5PM.

PETITION AND/OR REQUEST TO APPEAR BEFORE
THE BOARD MUST BE FILED ON OR BEFORE
JUNE 7, 2005

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
941 NORTH CAPITOL ST., NE, 7TH FLOOR, SUITE 7200
WASHINGTON, DC 20002
(202) 442-4423

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LICENSE NO. 26466, APPLICATION NO. 30214, MARABU, INC. T/A BUKOM CAFÉ, RETAILER'S CLASS "C"(RESTAURANT), 2442 – 18TH ST., NW WARD 1 ANC 1C03

LICENSEE REQUEST PERMISSION TO CHANGE THE CLASS OF LICENSE FROM A CLASS "C"RESTAURANT TO A CLASS "C"TAVERN AND TO CHANGE THE HOURS OF OPERATION TO 11AM-2AM MONDAY THROUGH THURSDAY, 11AM-3AM FRIDAY AND SATURDAY AND 11AM-2AM, SUNDAY.

PETITION AND/OR REQUEST TO APPEAR BEFORE
THE BOARD MUST BE FILED ON OR BEFORE
JUNE 7, 2005

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, JUNE 28, 2005
SECOND FLOOR HEARING ROOM, SUITE 220-S
441 4TH STREET, N.W.
WASHINGTON, D.C. 20001**

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

**9:30 A.M. TO 12:00 P.M. MORNING SESSION
1:00 P.M. TO 6:00 P.M. AFTERNOON SESSION**

A.M.

WARD SIX

17340 **Application of Jason and Sandra Nelson**, pursuant to 11 DCMR §
ANC-6B 3104.1, for a special exception to allow a rear two-story addition to a
single-family row dwelling under section 223, not meeting the lot
occupancy (section 403), and the open court requirements (section
406), in the R-4 District at premises 1515 A Street, S.E. (Square
1072, Lot 45).

WARD ONE

17341 **Application of Simon Bell and John Roegner**, pursuant to 11
ANC-1B DCMR § 3103.2, for a variance from the lot occupancy requirements
under section 403, a variance from the rear yard requirements under
section 404, a variance from the court requirements under section
406, and a variance from the nonconforming structure provisions
under subsection 2001.3, to allow a rear addition to a single-family
row dwelling in the R-4 District at premises 919 Westminster Street,
N.W. (Square 362, Lot 199).

WARD SEVEN

17338 **Application of Little Samaritan Child Development Center**,
ANC-7E pursuant to 11 DCMR § 3104.1, for a special exception to allow an
expansion of an existing child development center from 15 children
and 4 staff to 50 children and 16 staff under section 205, in the R-5-
A District at premise 5100 E Street, S.E. (Square 5315, Lot 36).

P.M.WARD TWO

17325 **Appeal of Wagtime LLC**, pursuant to 11 DCMR §§ 3100 and
ANC-2F 3101, from the administrative decision of the Zoning Administrator
(ZA) of the Department of Consumer and Regulatory Affairs.
Appellant alleges that the ZA erred by issuing a March 2, 2005,
Notice of Revocation of Certificate of Occupancy No. C069395,
allowing 24-hour dog boarding and grooming with accessory retail
sale of pet supplies. Appellant contends that the ZA misinterpreted
the findings in BZA Appeal Order No. 17092, in that the subject use
is not a principle use. The subject property is located in the Arts/C-3-
A District at premises 1412 Q Street, N.W. (Square 209, Lot 878).

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

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial.

The public hearing in these cases will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to Subsection 3117.4 of the Regulations, the Board will impose time limits on the testimony of all individuals.

Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board. Individuals and organizations wishing party status in any case before the Board must request that status and should do so in writing not less than fourteen (14) days prior to the date set for the public hearing on the particular application in accordance with Subsection 3106.2. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence. FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

**GEOFFREY H. GRIFFIS, CHAIRPERSON, RUTHANNE G. MILLER,
VICE CHAIRPERSON, CURTIS L. ETHERLY, JR., JOHN A. MANN II,**

BZA PUBLIC HEARING NOTICE

JUNE 28, 2005

PAGE NO. 3

AND A MEMBER OF THE ZONING COMMISSION ----- BOARD
OF ZONING ADJUSTMENT, BY JERRILY R. KRESS, FAIA, DIRECTOR.

PHN 6/28/05 rsn

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

TIME AND PLACE: **Thursday, June 16, 2005, 6:30 P.M. (2nd Case)**
Office of Zoning Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 04-34 (Text amendment to allow the use of pervious paving for certain parking and related facilities)

THIS CASE IS OF INTEREST TO ALL ANCs

This proceeding was initiated by a petition submitted on behalf of the Zoning Advisory Committee to provide for, but not mandate, the use of pervious paving for certain parking and related facilities within the Zoning Regulations (11 DCMR). The Office of Planning Setdown report was filed on March 4, 2005, and the Zoning Commission set down the case for public hearing at its meeting of March 14, 2005. Revisions to the Petitioner's submitted text were made at the request of the Office of Planning and the Office of the Attorney General (OAG).

Title 11 DCMR (Zoning) is proposed to be amended as follows (new text is shown in **bold** and underline and deleted text is shown with ~~strikethrough~~):

A. Subsections 2117.3, 2217.4 and 2117.10 of § 2117 ACCESS, MAINTENANCE, AND OPERATION are amended to read as follows:

2117.3 All required parking spaces shall be clearly striped and lined according to the dimensions specified in § 2115. Durable materials that are all-weather ~~impervious~~ shall be used. Striping shall be maintained for as long as the parking spaces requiring the striping are in existence.

2117.4 Except as provided in §§ 2117.5 and 2117.6, each required parking space shall be accessible at all times directly from improved alleys with a minimum width of ten feet (10 ft.) or improved public streets via graded and unobstructed private driveways that form an all-weather ~~impervious surface.~~ ~~Improved streets and alleys providing access to required parking spaces shall have a minimum width of ten feet (10 ft.) and be paved in compliance with the standards of the D.C. Department of Transportation.~~

2117.10 **All open parking spaces, including access aisles, driveways, and ramp areas shall be paved and maintained with an all-weather surface of:**

- (a) ~~h~~**Bituminous, concrete, or brick materials, or a combination of these materials,**
- (b) **Impervious open-faced paving block over a pervious base certified by a Professional Engineer Licensed in the District of Columbia as being sufficient to support the intended anticipated vehicle load, or**
- (c) ~~e~~**Other materials permitted to be used for the paving of public streets** approved by the ~~D.C. District~~ Department of Transportation as ~~structurally equivalent or better~~, that form an all-weather impervious surface and that are at least four inches (4 in.) in thickness.

B. Subsection 2303.1 (a) of § 2303 PARKING LOTS is amended to read as follows:

- (a) All areas devoted to driveways, access lanes, and parking areas shall be paved and maintained with **to form an all-weather surface of:**
 - 1. h**Bituminous, concrete, or brick materials, or combination of these materials,
 - 2. Impervious open-faced paving block over a pervious base certified by a Professional Engineer licensed in the District of Columbia as being sufficient to support the intended anticipated vehicle load, or**
 - 3. e****Other materials permitted to be used for the paving of public streets** approved by the ~~D.C. District~~ Department of Transportation as ~~structurally equivalent or better~~, that form an all-weather impervious surface, and that are a minimum of four inches (4 in.) in thickness.

C. Subsection 2403.9 (h) of § 2403, PUD EVALUATION STANDARDS, is amended to read as follows:

- (h) Environmental benefits, such as storm water runoff controls, **use of natural design techniques that store, infiltrate, evaporate, treat and detain runoff in close proximity to where the runoff is generated,** and preservation of open space or trees;

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

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. The Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C. 20001. Please include the number of the particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, KEVIN L. HILDEBRAND, AND GREGORY N. JEFFRIES ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY CLIFFORD MOY, ACTING SECRETARY TO THE ZONING COMMISSION.

DISTRICT OF COLUMBIA
DEPARTMENT OF MOTOR VEHICLESNOTICE OF FINAL RULEMAKING

The Director of the Department of Motor Vehicles, pursuant to the authority set forth in Section 1825 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 50-904); The Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*); §§ 7 and 13 of the District of Columbia Traffic Act of 1925, effective March 3, 1925 (43 Stat. 1125; D.C. Official Code §§ 50-1401.01 & 50-1403.01); Regulation No. 72-13, effective June 30, 1972 (32 DCRR; 18 DCMR § 302); Section 902 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.02); and Mayor's Order 03-58, effective April 21, 2003, took action to adopt the following rulemaking that amended Chapters 1, 3, 10 and 13 of Title 18 of the District of Columbia Municipal Regulations (DCMR) (Vehicles and Traffic). The rulemaking clarified eligibility requirements for a special identification card, established reckless driving as a ground for discretionary suspension or revocation, established new procedures related to the adjudication of photo radar tickets (and is a revision to proposed rules previously published), and eliminated a reference to a repealed requirement that DC government employees display a G endorsement on their driver's license in order to be eligible to operate a government vehicle. One comment was received that generally advocated an easier dismissal process for photo radar tickets. No changes were made to the text of the proposed rulemaking as published with a notice of a proposed rulemaking in the D.C. Register on March 11, 2005 (52 DCR 2460). These final rules will be effective upon publication in the *D.C. Register*.

Title 18, DCMR, is amended as follows:

A. Chapter 1, Section 112, SPECIAL IDENTIFICATION CARDS, is amended by adding a new subsection 112.13 to read as follows:

112.13 Any driver's license issued by another jurisdiction shall be surrendered at the time of application and the resident shall be informed of the need to obtain a District Driver's license in order to operate a motor vehicle.

B. Chapter 3, CANCELLATION, SUSPENSION, OR REVOCATION OF LICENSES, is amended as follows:

1) Section 302, SUSPENSION AND REVOCATION FOR TRAFFIC OFFENSES, is amended by adding a new subsection 302.14 to read as follows:

302.14 Reckless driving, as that term is defined in § 9 of the District of Columbia Traffic

Act of 1925, effective March 3, 1925 (43 Stat. 1125; D.C. Official Code §§ 50-2201.04), is grounds for suspension or revocation.

2) Section 303, ESTABLISHMENT OF A POINT SYSTEM, is amended by renumbering subsection 303.16 as 303.17.

C. Chapter 10, PROCEDURES FOR ADMINISTRATIVE HEARINGS, Section 1035, is amended by adding new sections 1035.6 through 1035.13 to read as follows:

- 1035.6 An owner who answers a notice of infraction by submitting an affidavit furnishing the name, address, and driver's license number of the person claimed to have had custody, care, or control of the vehicle at the time of the infraction shall be deemed to have waived all other available defenses.
- 1035.7 An owner who answers a notice of infraction as described in § 1035.6 shall remain liable for the infraction if the Director or a hearing examiner determines that any or all of the information furnished is inaccurate.
- 1035.8 For the purposes of § 1035.7, any notice sent to the address provided in the affidavit and returned as undeliverable shall establish that the owner submitted inaccurate information.
- 1035.9 For the purposes of § 1035.7, any driver's license number submitted that, based on the records of the Department of Motor Vehicles or information in the Washington Area Law Enforcement System, does not match the name provided shall establish that the owner submitted inaccurate information.
- 1035.10 A respondent determined to have submitted inaccurate information in the affidavit described in § 1035.6 shall receive written notice of the determination and be afforded an opportunity for a hearing to contest the determination of the Department that the information submitted was incorrect.
- 1035.11 Any person seeking a hearing under § 1035.11 must appear at the Department within sixty (60) days of receipt of the notice of determination.
- 1035.12 Failure to appear within the time period provided by § 1035.11 shall result in a default judgment being entered against the respondent in accordance with § 206(b) of the Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2302.06(b)).
- 1035.13 Nothing in this section shall preclude the Department from requesting that the respondent be criminally prosecuted for perjury.

D. Chapter 13, CLASSIFICATION AND ISSUANCE OF COMMERCIAL DRIVER'S LICENSES, Section 1313, DRIVER'S LICENSE ENDORSEMENTS AND RESTRICTIONS, subsection 1313.2(a) is repealed.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, N.W., 2nd FLOOR, WEST TOWER
WASHINGTON, D.C. 20005

NOTICE OF FINAL RULEMAKING

TELEPHONE TARIFF 04-7, IN THE MATTER OF THE APPLICATION OF VERIZON-
WASHINGTON, D.C., INC., FOR AUTHORITY TO AMEND THE LOCAL EXCHANGE
SERVICES TARIFF, P.S.C. - D.C. -No. 203

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice of its final rulemaking action, taken in Order No. 13521 (March 4, 2005), to approve the tariff application of Verizon Washington, D.C. Inc. ("Verizon DC")¹ to amend the following tariff page:

LOCAL EXCHANGE SERVICES TARIFF, P.S.C.-D.C.-No. 203
Section 31, 3rd Revised Page 4

2. Through this tariff filing, Verizon DC sought to increase its rate for the Verizon Regional Package from \$34.95 to \$36.95, and its rate for the Regional Package Extra from \$39.95 to \$41.95.² Verizon DC stated that the Application complied with Price Cap Plan 2004.³

3. The Commission issued a Notice of Proposed Rulemaking, published in the *D.C. Register* on December 10, 2004, inviting the public to submit comments on the proposed tariff revision.⁴ One comment was filed opposing the Application.⁵ Subsequently, the Commission, in Order No. 13521, approved Verizon DC's Application, finding that that the proposed tariff revision complied with Sections 3(a)(1) and (2) of Price Cap Plan 2004. This tariff revision becomes effective upon the publication date of this Notice of Final Rulemaking in the *D.C. Register*.

¹ Telephone Tariff 04-7, In the Matter of the Application of Verizon Washington, DC, Inc. for Authority to Amend the Local Exchange Services Tariff, P.S.C.-D.C.-No. 203, Letter from J. Henry Ambrose, Vice President for Regulatory Matters of Verizon DC to Christine D. Brooks, Commission Secretary, filed November 24, 2004 ("Application").

² See Application at 1.

³ See *id.* See also Formal Case No. 1005, In the Matter of Verizon Washington, D.C. Inc.'s Price Cap Plan 2004 for the Provision of Local Telecommunications Services in the District of Columbia, Order No. 13370 (September 9, 2004). ("Price Cap Plan 2004").

⁴ 51 D.C. Reg. 11349-11350 (2004).

⁵ Telephone Tariff 04-7, Comments from Margaret Uglow (January 25, 2005).